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What is Public Policy? Good Governance and Public Policy

1:1 Introduction to Public Policy



Workshop objectives

1. To introduce the concept of 'good governance'
2. To introduce the purpose and role of public policy and the public policy process;
3. To discuss the role of public policy in good governance; and
4. To introduce the foundations of public policy- evidence and stakeholder engagement- as the basis for good governance.



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Discussion

What are the principles you associate with democracy?



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Good Governance

Modern, democratic government does not start and end with the electoral process.

‘Good governance’ is about implementing democratic principles **throughout** a government’s administration.



Elements of good governance

- **Transparency:** decisions and actions are open to public scrutiny
- **Consensus oriented:** the interest of the community is promoted by accommodating the wide range of interests existing within it
- **Accountability:** decision-makers take responsibility for their decisions and actions
- **Inclusivity:** stakeholders see their needs being considered
- **Effective and efficient:** resources are used wisely
- **Responsiveness:** the needs of citizens are served
- **Rule of law:** fair legal frameworks are enforced impartially



Good governance

- *‘good governance and proper regulation are basic prerequisites for progress in all fields, including economic progress, social welfare and the achievement of justice....’*
National Development Plan 2010-2014, p178
- a peaceful society through structured and inclusive decision-making promotes equity and fairness



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good governance therefore...

- ensures that a government engages openly with its citizens
- facilitates the design and delivery of programs that are responsive to to the needs of society
- makes the government fully and openly accountable for how finances are spent and resources are used
- enables citizens to monitor the implementation of the government's commitments
- builds trust between the government and its citizens

The current protests in Iraq are, in part, a call for good governance



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What is public policy?



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Public policy is....

.. a government's intention to achieve a particular goal by following a particular course of action.



Public policy ‘goals’

‘.. a government’s intention to achieve a particular **goal** by following a particular course of action’

A **goal** is typically a solution to a problem.

For example-

- to reduce the level of water pollution by 50%;
- to reduce ‘red tape’ affecting business; or
- to provide social security support to widows.



A public policy ‘course of action’

‘.. a government’s intention to achieve a particular goal by following a **particular course of action**’.

A **course of action implements a goal**. A course of action can be chosen from many options. For example-

- to introduce legislation;
- to provide services, such as employment agencies;
- to introduce a trade tariff;
- not to act at all.

The public policy process helps us to select the best course of action.



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The public policy **process** is ...

... **the systematic method** by which a government translates its goals into a course of action for implementation.

Politics →→ Policy →→ government programs and activities



Informed decision-making

Public policy involves making choices and decisions.

Its goal is to identify the best course of action by **systematically** assessing the following aspects of an issue to choose the best course of action—

- technical;
- political;
- social;
- economic; and
- organizational.

Discussion: When government assesses these aspects, what elements of good governance are present?



Informed decision-making includes stakeholders

- The public policy process also identifies **WHO** is affected by the policy goal and the proposed course of action and actively incorporates their views and needs into the decision-making.

Discussion: When government incorporates stakeholder views, what elements of good governance are present?



Informed decision-making and policy implementation

- The public policy process also looks towards **HOW** the chosen course of action can best be implemented.
- eg laws? programs? administration? services? infrastructure? economic interventions? and other practical matters need to be put in place to implement the course of action

Discussion: When government plans for implementation, what elements of good governance are present?



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Public policy and good governance

Public policy and the public policy process implements good governance

‘Unless people can participate meaningfully in the events and processes that shape their lives, national human development paths will be neither desirable nor sustainable. People should be able to influence policymaking and results—and young people in particular should be able to look forward to greater economic opportunities and political participation and accountability’.

Human Development Report 2013 p6



Conclusions- Public policy and good governance

- Good governance implements democratic principles in day-to-day government. It is seen as a way to create a peaceful and prosperous society
- Public policy is a government's intention to achieve a particular goal by following a particular course of action.
- The public policy process aims to find the best course of action to take by making well informed decisions
- Public policy is a critical key in good governance because it promotes a responsive, inclusive, rational, efficient and transparent decision-making process



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The foundations of public policy



The foundations of public policy

- The conclusions about good governance and public policy leads us to the 2 basic foundations of public policy:
 - Evidence-based decision-making; and
 - Stakeholder engagement
- These foundations support each stage of the policy cycle-
 - agenda setting;
 - policy formulation;
 - policy implementation; and
 - policy evaluation.



Evidence-based decision-making

Policy advice and policy-maker's decisions are based on the best available evidence from a wide range of sources

- Empirical evidence informs the policy decisions- ie objective evidence that is gathered through sound research. This includes-
 - Quantitative- based on numbers, such as statistical data
 - Qualitative – descriptive observations gathered from, for example, questionnaires and interviews



Stakeholder engagement

Policy conducted in isolation from those that it will impact is unlikely to deliver any benefit

Participatory and consensus-oriented governance is good governance. In public policy it also-

- is a source of empirical evidence
- builds stakeholder ownership in the policy issue and solution; and
- indicates what will work in the ‘real world’.



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Key messages

With the foundations of evidence-based decisions and stakeholder engagement, public policy and good governance are inextricably linked-

Public policy = good governance

Good governance = public policy

Without the foundations of evidence-based decisions and stakeholder engagement, public policy results in a failure in good governance.



Features of good governance

- **Transparency:** decisions and actions are open to public scrutiny
- **Consensus oriented:** the interest of the community is promoted by accommodating the wide range of interests existing within it
- **Accountability:** decision-makers take responsibility for their decisions and actions
- **Inclusivity:** stakeholders feels their needs have been considered
- **Effective and efficient:** resources are used wisely
- **Responsiveness:** the needs of citizens are served
- **Rule of law:** fair legal frameworks are enforced impartially

Good Governance therefore-

- ensures that a government engages openly with its citizens
- facilitates the design and delivery of programs that are responsive to the needs of society
- makes the government fully and openly accountable for how finances are spent and resources are used
- enables citizens to monitor the implementation of the government's commitments and the progress of its activities
- builds trust between the government and its citizens



Trainer's notes

Presentation 1.1 What is Public Policy?	
Learning Objective	Participants understand the concept of good governance and appreciate the role public policy plays in it.
Timing	3 hours
Training method	Presentation and group discussion
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handout- Elements of good governance 3. Additional information for the trainer <ul style="list-style-type: none"> • Transparency International Policy Brief 1/2013 • Modernising Government (1999) from the British Government

Slide 1 - Introduction

This is the beginning of a course on public policy. It has been designed to give participants the basic knowledge and skills of a policy officer.

This first presentation introduces the participants to what is public policy and locates it in the context of good governance.

Slide 2 - Workshop objectives

These are the objectives of this presentation. We will look at the relationship between public policy and the concept of good governance.

While some information will be given to the participants by presentation material, the program has been designed for plenty of group discussion and activities. It is important for policy officers to be able to present ideas and arguments and to listen. So the course will encourage this right from the beginning.

Slide 3 - What is democracy?

Invite the participants to list the principles they associate with democracy.

For example-



- Government by the people- a political system for choosing and replacing the government through free and fair elections.
- Elected officials are representatives of the people
- Equal vote
- Equal before the law
- Civil liberties
- Majority rule
- The active participation of the people, as citizens, in politics and civic life.
- Protection of the human rights- eg minorities are respected, freedom of speech, freedom of association, freedom of the press
- The rule of law- laws and procedures apply equally to all citizens.

Slide 4 - Good Governance

This slide introduces the concept of 'good governance'.

Modern, democratic government does not start and end with the electoral process. Good governance is about applying democratic principles throughout the administration of a government.

Slide 5 - Elements of good governance

The concept of 'good governance' contains these concepts.

DISTRIBUTE HANDOUT- Elements of good governance

'Good governance' is a goal that governments strive for but no government achieves perfectly.

Refer to the 1999 policy 'Modernising government' (trainer materials) about how the UK government intends to apply good governance principles throughout its administration. Of note is the following statement on p 16-

This Government expects more of policy makers. More new ideas, more willingness to question inherited ways of doing things, better use of evidence and research in policy making and better focus on policies that will deliver long-term goals. Our challenge, building on existing good practice, is to get different parts of government to work together, where that is necessary, to deliver the Government's overall strategic objectives – without losing sight of the need to achieve value for money. This means developing a new and more creative approach to policy making, based on the following key principles:

- **Designing policy around shared goals and carefully defined results, not around organisational structures or existing functions.** Many policies are rightly developed and pursued by a single part of government. But a focus on outcomes will encourage Departments to work together where that is necessary to secure a



desired result.

- **Making sure policies are inclusive.** We will devise policies that are fair and take full account of the needs and experience of all those – individuals or groups, families and businesses – likely to be affected by them.
- **Avoiding imposing unnecessary burdens.** Where government considers it right to regulate it will do so, but regulation for its own sake is too often seen as an easy answer, without proper consideration being given to better ways of achieving the outcome. We will base our decisions on a careful appraisal of the benefits any measure seeks to achieve, the costs it entails and the cumulative burden of regulation on business. In doing so, we will give business and other interested parties a proper opportunity to contribute.
- **Involving others in policy making.** Rather than defending policies, government should lead a debate on improving them. This means developing new relationships between Whitehall, the devolved administrations, local government and the voluntary and private sectors; consulting outside experts, those who implement policy and those affected by it early in the policy making process so we can develop policies that are deliverable from the start.
- **Improving the way risk is managed.** Government is often criticised for intervening too much to protect people from some risks, while failing to protect them sufficiently from others. Much government activity is concerned with managing risks, in the workplace, in what we eat and in protecting the environment. We need consistently to follow good practice in policy making as we assess, manage and communicate risks.
- **Becoming more forward- and outward-looking.** This means learning to look beyond what government is doing now; improving and extending our contingency planning, learning lessons from other countries; and integrating the European Union and international dimension into our policy making.
- **learning from experience.** Government should regard policy making as a continuous, learning process, not as a series of one-off initiatives. We will improve our use of evidence and research so that we understand better the problems we are trying to address. We must make more use of pilot schemes to encourage innovations and test whether they work. We will ensure that all policies and programmes are clearly specified and evaluated, and the lessons of success and failure are communicated and acted upon. Feedback from those who implement and deliver policies and services is essential too. We need to apply the disciplines of project management to the policy process

Ask the participants to consider each of the characteristics on the slide (and handout) separately and discuss-

- how the government currently applies these principles in practice; and
- what can be done to strengthen the application of each of the principles.

Slide 6 - Good governance is linked to...

Applying good governance is widely regarded as the means to achieve economic progress and social stability.



The 2013 Policy Brief (trainers materials) from Transparency International, for example describes the benefits of good government on p2-

For a country's equitable and sustainable development, governance mechanisms are needed across the board: from a nation's education and health systems to its financial system and companies. Governance is needed to mitigate climate change and to effectively manage land and natural resources. Governance is also needed for the global system that is tasked with deciding on and monitoring the development commitments that are made beyond 2015.

Where governance is effective and just, it provides a solid base for economic, environmental and social sustainability. As the UN High-Level Panel on the Post- 2015 Development Agenda has signalled, "to foster long-term, sustainable growth...the global community must promote good governance, invest in stable and accountable institutions, fight corruption, (and) ensure the rule of law".

For these positive impacts to happen, governance must be composed of key, reinforcing pillars such as transparency accountability, integrity and participation.

These elements establish a governance framework for transformative change. They serve to unlock the positive and empowering forces of governance for the social good. They ensure that the maximum resources required to eradicate poverty are available and effectively used for that purpose. They are the building blocks for making development equitable, sustainable and rights-based.

Transparency, accountability, integrity and participation also create the foundation to fight public and private sector corruption at the local, national and global level. They are the essential ingredients for ensuring acts of corruption do not go unpunished and that impunity and violence are eliminated. They are the forces that create well-governed, peaceful and just societies.

Slide 7 - Good governance....

Here are some conclusions we can draw about good governance.

These conclusions lead us into the role of public policy in good governance.

The current protests in Iraq are, at least in part, a call for good governance.

Slide 8 - What is public policy?

Invite the participants to offer their ideas about public policy-

- What is it?
- What is it designed to achieve?
- What practices are applied in the public policy process? (eg evidence-based decision-making, consultation, structured decision-making)



Slide 9 - Public policy is....

There are many different definitions of public policy. This is a simple one. It defines public policy as the translation of a government's goal into specific activities, or a course of action.

Slide 10 - Public policy 'goal'

Breaking down the definition in slide 9, we first look at the idea of a 'goal'.

Public policies are based on clearly articulated goals. These goals are usually solutions to a problem that has been identified as a priority to address.

Slide 11 - Public policy 'course of action'

Breaking down the definition in slide 9, we now look at 'a particular course of action'.

The policy process helps the government to systematically decide how a goal can be achieved by implementing specific actions.

There are usually many options for action available that the government can choose from when making these decisions. Each option has pluses and minuses in terms of technical, political, financial and organisational impacts.

The public policy process provides us with the mechanism to identify the optimal course of action to take.

Slide 12 - The public policy process is therefore....

This slide summarises the points made so far about public policy.

There is a specific methodology for developing and implementing public policy. The methodology is systematic and deliberative in the way it translates intentions into activities. The process also applies the principles of good governance. We will now explore this further....



Slide 13 - Informed decision-making

The public policy process is a process of informed decision-making. When the government wants to make a decision about what, who, how, when, where etc to achieve its public policy goals (eg to build new hospitals in areas of greatest need), the public policy process helps the government to find the best way to do this.

The participants should be encouraged to think about and discuss the range of aspects that government decisions have to take into account, such as-

- **Technical aspects** - ie how should a problem be solved technically? eg- What is best practice in the industry? What technology or systems are known to work with this problem?
- **Political aspects**- ie what political issues need to be taken into account? Eg- what type of legislation is parliament likely to pass? What do the political parties think about the problem?
- **Social aspects**- ie consider which groups in the community will win and which groups will lose with the courses of action proposed? Eg when looking at the introduction of gender equality laws, what impact will this have on the community? On women? On men?
- **Economic (includes financial)**- ie- what will be the impact on the economy? What are the financial costs to government of implementing the course of action?
- **Organizational aspects**- ie- how does the government need to change to implement any given course of action? eg how will the government fund a policy to increase the number of schools? Who (which level of government, which Ministry) will bear this cost?

Invite the participants to discuss how incorporating this process applies the principles of good governance listed in the handout.

Of note-

- **Effective and efficient** because the decision is made after considering all the relevant aspects in order to find the optimal outcome
- **Transparency and accountability** is also promoted through this process because the reasons for the decision are based in a logical foundation that takes into account all the important factors, rather than something that is 'hidden' from view.
- **Responsiveness** because by considering all of these factors, it can result in a policy decision that best suits the needs of the people affected by it

Slide 14 - Informed decision-making includes stakeholders

Public policy decision-making includes taking the views 'stakeholders' into account. Stakeholders are those people and organisations who are affected by the policy decision.



Invite the participants to discuss how 'stakeholder engagement' incorporates the principles of good governance listed in the handout.

Of note-

- **Inclusivity** because people affected by a policy decision can have a say about it
- **Consensus-oriented** because a policy decision can accommodate a wide range of interests through in the process of stakeholder engagement
- **Transparency** is evident as stakeholders can see how and why a policy decision has been reached because they have been part of it
- **Responsiveness** because a policy decision responds to the needs of the stakeholders

Slide 15 - Informed decision-making and policy implementation

Informed decision-making includes looking at the best way to implement a policy decision. There is a wide range of options available to government about HOW they might implement a policy.

These options (also called 'interventions', 'tools of government' or 'instruments') will be covered in detail in this course and include-

- introducing law and ensuring that the law is properly structured and supported so it achieves its intended impact
- providing services to the public
- building infrastructure (eg roads, hospitals)
- structuring the administration of government so it can deliver the programs effectively
- economic interventions such as introducing tariffs etc so it can manage the economy for the benefit of the country

Invite the participants to discuss how informed decision-making about how to implement a policy incorporates the principles of good governance listed in the handout.

Of note-

- **Effective and efficient** because the decision is made after considering all the relevant aspects in order to find the optimal outcome
- **Transparency and accountability** is also promoted through this process because the reasons for the decision are based in a logical foundation that takes into account all the important factors, rather than something that is 'hidden' from view.
- **Responsiveness** because by considering all of these factors, it can result in a policy decision that best suits the needs of the people affected by it



Slide 16 - Public policy and good governance

This slide contains a quotation from the Human Development Report that stresses the links between public policy and good governance.

Public policy done properly IS good governance!

Slide 17 – Conclusions- Public policy and good governance

The most important messages about public policy and good governance are-

- ‘good governance’ is an important expression of democratic principles that are applied in the day to day activities of government.
- Good governance is now recognised as a way to promote create a peaceful and prosperous society
- Public policy is a government’s intention to achieve a particular goal by following a particular course of action.
- The public policy process aims to find the best course of action to take by making informed decisions that takes into account-
 - all aspects of the issue
 - stakeholder views
 - the optimal mechanisms for implementation.
- Public policy is a critical key in good governance because it promotes a responsive, inclusive, rational, efficient and transparent decision-making process.

Slide 17 – The foundations of public policy

Now we will look a bit deeper at the foundations of effective public policy. These lie in the principles of good governance.

Slide 18 - The foundations of public policy

Public policy – that is, **effective** public policy – is based on two foundations:

1. evidence-based decision-making; and
2. stakeholder engagement.



When they work together, these two foundations are expressions of good governance. They are – or should – be evident in and provide the basis for each stage of the public policy cycle-

- agenda setting;
- policy formulation;
- policy implementation; and
- policy evaluation.

Slide 19 – Evidence-based decision-making

Evidence-based decision-making in public policy is about making decisions based on the best available evidence. This introduces objectivity into public policy and decisions can readily be defended as the optimal solution because the evidence indicates this.

The evidence supporting policy should be ‘empirical’ evidence. This is evidence that has been gathered by sound research methods rather than, for example, based on ‘gut feeling’ or unsubstantiated newspaper reports. Empirical evidence can be quantitative or qualitative-

- Quantitative evidence is evidence like statistics and other data.
- Qualitative evidence is descriptive observation gathered from, for example, questionnaires and interviews.

Slide 20 - Stakeholder engagement

Stakeholder engagement is the other foundation of public policy. It overlaps with evidence-based decision-making when the engagement provides policy officers with evidence of what is happening ‘on the ground’.

Stakeholder engagement also builds stakeholder ‘ownership’ of the policy issue and its solutions. This is one of the key points to good governance. Stakeholder feedback helps us to frame the policy solution in a way that meets needs as much as possible. This is another key point in good governance.

Slide 22 - Key messages

This workshop has been about what is public policy? We have explained this in the context of good governance, which is part of the democratic process.



Good governance is about the government taking the most responsive, effective and efficient decisions and actions for the benefit of its citizens, based on the principle of inclusivity, participation and sound research. Those decisions are made and implemented with transparency and accountability and with respect to the law.

Public policy is good governance and good governance is public policy when the foundations of evidence-based decisions and stakeholder engagement are present.

When these foundations are not present, public policy results in a failure of good governance.

Any questions?



Modernising government

March 1999

listening

delivering

involving

developing



supporting

helping

engaging



Modernising government

Presented to Parliament
by the Prime Minister and the Minister for the Cabinet Office
by Command of Her Majesty, March 1999

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Contents

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Foreword by
The Prime Minister, Tony Blair

The Government has a mission to modernise – renewing our country for the new millennium. We are modernising our schools, our hospitals, our economy and our criminal justice system. We are modernising our democratic framework, with new arrangements for Scotland, Wales, Northern Ireland, the English regions, Parliament and local authorities.

But modernisation must go further. It must engage with how government itself works. Modernising government is a vital part of our programme of renewal for Britain. The old arguments about government are now outdated – big government against small government, interventionism against laissez-faire. The new issues are the right issues: modernising government, better government, getting government right.

Modernising Government is a significant step forward in what is a long-term programme of reform. It puts in place a number of important initiatives, and sets out an agenda for the future. But in line with the Government's overall modernisation programme, in line with our policy of investment for reform, it is modernisation for a purpose: modernising government to get better government – for a better Britain.

Tony Blair



Introduction by the Minister for the Cabinet Office, Jack Cunningham

Modernising Government is an important statement for the Government. It is a programme of reform for the future. And it is a series of new measures which the Government will implement now.

But Modernising Government is also about something else. It is a clear statement by the Government of what government is for. Not government for those who work in government; but government for people – people as consumers, people as citizens.

That doesn't mean to say that those whose job it is to deliver public services are not important. Far from it; they are central. For too long, they have been denigrated. This Government values public servants, and public services – and we will continue to do so.

But in doing so, we will make sure that government services are better – that they reflect real lives and deliver what people really want. Better provision of better services available from government at all levels is central to the approach of Modernising Government – in schools, in hospitals, in doctors' surgeries, in police stations, in benefit offices, in Jobcentres, in local councils. To improve the way we provide services, we need all parts of government to work together better. We need joined-up government. We need integrated government. And we need to make sure that government services are brought forward using the best and most modern techniques, to match the best of the private sector – including one-stop shops, single contacts which link in to a range of government Departments and especially electronic information-age services.

These are key new initiatives. It is important that we act upon them now – and we will. But modernising government is a long-term programme. Modernising Government is a key step forward in that programme, and a road-map for its future. It sets out a challenge for all of us in government: a challenge to modernise government, to create better government to make life better for people.

Jack Cunningham.

Executive summary

Modernising government is central to the Government's programme of renewal and reform.

In line with the Government's overall programme of modernisation, Modernising Government is **modernisation for a purpose – to make life better for people and businesses.**

Modernising Government is a **long-term programme of improvement.**

But the Government is putting forward a **new package of reforms** now:

- A commitment to ensure that public services are available **24 hours a day, seven days a week** where there is a demand, for example **by the end of 2000** everyone being able to phone **NHS Direct at any time** for healthcare advice.
- **Joined-up government in action** – including a clear commitment for people to be able to notify different parts of government of details such as a change of address **simply and electronically in one transaction.**
- **A new drive to remove unnecessary regulation**, and a requirement on Departments preparing policies which impose new regulatory burdens to submit high quality **Regulatory Impact Assessments** and to consult the Cabinet Office in advance.
- A **new target** of all dealings with government being **deliverable electronically by 2008.**
- New '**Learning Labs**' to encourage new ways of front-line working **by suspending rules that stifle innovation.**
- Taking a more creative approach to financial and other **incentives** for public service staff, including a commitment to explore the scope for **financial reward** for staff who identify financial savings or service improvements.
- Within Whitehall, **a new focus on delivery** - asking every Permanent Secretary to ensure that their Department has the capacity to drive through achievement of the key government targets and to take a personal responsibility for ensuring that this happens. Bringing **more people in from outside** and bringing able, younger people up the ladder more quickly.

To ensure that government is both inclusive and integrated, we have **three aims in modernising government:**

- Ensuring that policy making is more **joined up and strategic.**
- Making sure that **public service users**, not providers, are the focus, by matching services more closely to people's lives.
- Delivering public services that are **high quality and efficient.**

We are centring our programme on **five key commitments**:

- **Policy making**: we will be **forward looking** in developing policies to deliver outcomes that matter, not simply reacting to short-term pressures. We will:
 - identify and spread best practice through the new Centre for Management and Policy Studies.
 - bring in joint training of Ministers and civil servants.
 - introduce peer review of Departments.
- **Responsive public services**: we will deliver public services to **meet the needs of citizens**, not the convenience of service providers. We will:
 - deliver a big push on obstacles to joined-up working, through local partnerships, one-stop shops, and other means.
 - involve and meet the needs of all different groups in society.
- **Quality public services**: we will deliver efficient, high quality public services and **will not tolerate mediocrity**. We will:
 - review all central and local government department services and activities over the next five years to identify the best supplier in each case.
 - set new targets for all public bodies, focusing on real improvements in the quality and effectiveness of public services.
 - monitor performance closely so that we strike the right balance between intervening where services are failing and giving successful organisations the freedom to manage.
- **Information age government**: we will use **new technology** to meet the needs of citizens and business, and not trail behind technological developments. We will:
 - develop an IT strategy for Government which will establish cross-government co-ordination machinery and frameworks on such issues as use of digital signatures and smart cards, websites and call centres.
 - benchmark progress against targets for electronic services.
- **Public service**: we will **value public service**, not denigrate it. We will:
 - modernise the civil service, revise performance management arrangements, tackle under-representation of women, ethnic minorities and people with disabilities and build the capability for innovation.
 - establish a public sector employment forum to bring together and develop key players across the public sector.

This long-term programme of **modernisation for a purpose** will move us towards our central objective in modernising government:

Better government to make life better for people.



Marks projects and initiatives where further information is available on the internet. The websites addresses are listed in the Appendix on pages 64,65,66

1. Vision



1. Vision

1. Government matters. We all want it to deliver policies, programmes and services that will make us more healthy, more secure and better equipped to tackle the challenges we face. Government should improve the quality of our lives.

2. Modernisation is vital if government is to achieve that ambition. Government must face the challenge of the times, and embrace the opportunity it offers:

- We live in an age when most of the old dogmas that haunted governments in the past have been swept away. We know now that better government is about much more than whether public spending should go up or down, or whether organisations should be nationalised or privatised. Now that we are not hidebound by the old ways of government we can find new and better ones.
- Information technology is revolutionising our lives, including the way we work, the way we communicate and the way we learn. The information age offers huge scope for organising government activities in new, innovative and better ways and for making life easier for the public by providing public services in integrated, imaginative and more convenient forms like single gateways, the Internet and digital TV.
- We must unleash the potential within the public service to drive our modernising agenda right across government. There is great enthusiasm and determination within the public service to tackle the problems which face society, to do the job better.
- Distinctions between services delivered by the public and the private sector are breaking down in many areas, opening the way to new ideas, partnerships and opportunities for devising and delivering what the public wants.

3. Modernisation is a hallmark of the Government. We are rebuilding the National Health Service. We are raising standards in education. We are modernising our constitution and local government. We are reforming our welfare system so that it will truly and fairly address the needs of our society. We are tackling crime in new ways. We are modernising our defence capability and Armed Forces. We have a new, positive relationship with our partners in Europe.

4. But modernisation must not stop there. To achieve these goals we must modernise the way government itself works:

- The way we devise our policies and programmes.
- The way we deliver services to individual citizens and businesses.
- The way we perform all the other functions of a modern government.

5. Modernisation, though, must be for a purpose: to create better government to make life better for people. Just as the Government is pursuing the aims of investment for reform and money for modernisation in the way it decides on spending programmes, so too must modernisation of government be a means to achieving better government – better policy making, better responsiveness to what people want, better public services.

6. People want government which meets their needs, which is available when they need it, and which delivers results for them. People want effective government, both where it responds directly to their needs – such as in healthcare, education and the social services – and where it acts for society as a whole, such as protecting the environment, promoting public health and maintaining our prison and immigration services and defence capability.

7. To achieve that, the Government's strategy is one in which the keystones of its operations are inclusiveness and integration:

- **Inclusive:** policies are forward looking, inclusive and fair.
- **Integrated:** policies and programmes, local and national, tackle the issues facing society – like crime, drugs, housing and the environment – in a joined up way, regardless of the organisational structure of government.

8. The Government is putting these principles into practice by aiming to:

- provide public services of the highest quality, matching the best anywhere in the world in their ability to innovate, share good ideas, control costs and above all to deliver what they are supposed to.
- ensure that government is responsive to the user and is, from the public's point of view, seamless.
- make certain that citizens and business will have choice about how and when to access government services – whether from home via interactive TV, via call centres, via one-stop shops or, indeed, post offices, libraries, banks or supermarkets.

9. People are exercising choice and demanding higher quality. In the private sector, service standards and service delivery have improved as a result. People are now rightly demanding a better service not just from the private sector, but from the public sector too.

10. The Government is committed to public service. But that does not mean public services should stand still. Public servants must be the agents of the changes citizens and businesses want. We will build on the many strengths in the public sector to equip it with a culture of improvement, innovation and collaborative purpose. Public sector staff need to respond to these challenges, working in partnership to deliver this programme.

*London Borough of
Enfield – Housing
Management.*

*Peterborough City
Council – Building
Control Services.*



11. Some parts of the public service are as efficient, dynamic and effective as anything in the private sector. But other parts are not. There are numerous reasons for this, and some are common to many governments around the world:

- **Organisation:** because institutions tend to look after their own interests, public services can be organized too much around the structure of the providers rather than the users. This can be evident in their opening hours, their locations, the demands they make of citizens; the help they do and do not provide when they are needed; and the extent to which they link up with other service providers to offer services in packages that are relevant to people's lives.
- **Inertia:** although the public can express its dissatisfaction with its public service through the ballot box, this can be a blunt instrument, removing whole local or central governments intermittently and often not addressing the underlying reasons why things are wrong. The risk is that particular parts of the public sector can therefore be left to fail for too long.
- **Inputs not outcomes:** the system in Whitehall and elsewhere – in particular the importance attached traditionally to the annual spending negotiations – has meant that Ministers, Departments and units have often been forced to devote much of their effort to maximising their funding rather than considering what difference they can make in the form of actual results or outcomes.
- **Risk aversion:** the cultures of Parliament, Ministers and the civil service create a situation in which the rewards for success are limited and penalties for failure can be severe. The system is too often risk averse. As a result, Ministers and public servants can be slow to take advantage of new opportunities.
- **Management:** over the past 20 years, various management changes within the public service have improved value for money and quality in the way services are delivered by organisations. But too little attention has gone into making sure that policies, programmes and services across the board are devised and implemented in ways that best meet people's needs, where necessary by working across institutional boundaries.
- **Denigration:** public servants are hard-working and dedicated and many are as innovative and entrepreneurial as anyone outside government. But they have been wrongly denigrated and demoralised for too long. There has been a presumption that the private sector is always best, and insufficient attention has been given to rewarding success in the public service and to equipping it with the skills required to develop and deliver strategic policies and services in modern and effective ways.

12. To help counter some of these difficulties, the Government is working in partnership – partnership with the new, devolved ways of government in Scotland, Wales and Northern Ireland, and partnership with local authorities, other organisations, and other countries.

13. Devolution is a crucial part of the Government's modernisation programme. It is a stimulus to fresh thinking about the business of government. All parts of the United Kingdom stand to benefit from it. We are setting up three new devolved administrations in Scotland, Wales and Northern Ireland. We will also, in time, move towards elected regional assemblies in England. This White Paper sets out commitments on behalf of the Government of the United Kingdom. We hope the devolved administrations will join us in taking the programme forward. We want to co-operate with them in areas which straddle our respective responsibilities.

14. Local government is responsible for a quarter of public expenditure on services, including education, social services, police, housing and public transport. We have worked very closely with the Local Government Association and other bodies in preparing this White Paper. Local government must be an equal partner in our drive to modernise government. We want to encourage initiatives to establish partnerships in delivering services, by all parts of government in ways that fit local circumstances; and to establish common targets, financial frameworks, IT links, management controls and accountability mechanisms that support such arrangements. We will continue to involve other groups too, including business and the voluntary sector.
15. We will continue to work closely with the public sector trade unions to achieve our shared goals of committed, fair, efficient and effective public services.
16. There is no such thing as a 'typical' citizen. People's needs and concerns differ: between women and men for example, between the young and the old; and between those of different social, cultural and educational backgrounds and people with disabilities. Some of these concerns have not been given sufficient recognition in the past. We must understand the needs of all people and respond to them. This, too, is a crucial part of modernising government.
17. We are exchanging ideas with other countries on policy making, on delivering services and on using information technology in new and innovative ways. We are learning from each other.
18. Modernising government means identifying, and defeating, the problems we face. It means freeing the public service so that it can build on its strengths to innovate and to rise to these challenges. It means raising all standards until they match the best within and outside the public service, and continue improving. It means transforming government, so that it is organised around what the public wants and needs, rather than around the needs or convenience of institutions.
19. This White Paper sets out our programme for modernising government. It does not pretend to have all the answers. This is a large project and we live in a fast-moving world. The Government is therefore presenting an agenda for progress. We explain what we think the current problems and challenges are, where we have made a start in tackling them, and how we plan to take our work forward in the future.

20. We are centring our programme on five key commitments:

- **Policy making:** we will be forward looking in developing policies to deliver results that matter, not simply reacting to short-term pressures.
- **Responsive public services:** we will deliver public services to meet the needs of citizens, not the convenience of service providers.
- **Quality public services:** we will deliver efficient, high quality public services and will not tolerate mediocrity.
- **Information age government:** we will use new technology to meet the needs of citizens and business, and not trail behind technological developments
- **Public service:** we will value public service, not denigrate it.

2. Policy making



2. Policy making:

We will be forward looking in developing policies to deliver outcomes that matter, not simply reacting to short-term pressures

1. Policy making is the process by which governments translate their political vision into programmes and actions to deliver 'outcomes' – desired changes in the real world. Many of the other issues considered in this White Paper cannot be seen in isolation from the policy making process. Government cannot succeed in delivering the outcomes people want if the policies and programmes they are implementing are flawed or inadequate.
2. People are becoming more demanding, whether as consumers of goods and services in the market place, as citizens or as businesses affected by the policies and services which government provides. To meet these demands, government must be willing constantly to re-evaluate what it is doing so as to produce policies that really deal with problems; that are forward-looking and shaped by the evidence rather than a response to short-term pressures; that tackle causes not symptoms; that are measured by results rather than activity; that are flexible and innovative rather than closed and bureaucratic; and that promote compliance rather than avoidance or fraud. To meet people's rising expectations, policy making must also be a process of continuous learning and improvement.

Identifying the problem

3. Like some other countries the United Kingdom has, over the past 20 years, implemented a series of reforms in the work of government. The main focus has been on improving value for money in service delivery. Most of the nationalised industries have been privatised. Within central government, 'agencies' have been created: tasks have been more clearly defined, individuals offered more responsibility and managers given more scope to manage. Some of these tasks have also been privatised or contracted out. Local authorities have been subject to tight financial control and compulsory competitive tendering.
4. This emphasis on management reforms has brought improved productivity, better value for money and in many cases better quality services – all of which we are determined to build on. On the other hand, little attention was paid to the policy process and the way it affects government's ability to meet the needs of the people. Although there are areas, such as foreign and security policy, where effective co-ordination and collaboration are the norm, in general too little effort has gone into making sure that policies are devised and delivered in a consistent and effective way across institutional boundaries – for example between different government Departments, and between central and local government. Issues like crime and social exclusion cannot be tackled on a departmental basis. An increasing separation between policy and delivery has acted as a barrier to involving in policy making those people who are responsible for delivering results in the front line.

5. Ministers are individually and collectively accountable to Parliament for the work of government. Too often, the work of Departments, their agencies and other bodies has been fragmented and the focus of scrutiny has been on their individual achievements rather than on their contribution to the Government's overall strategic purpose. Policies too often take the form of incremental change to existing systems, rather than new ideas that take the long-term view and cut across organisational boundaries to get to the root of a problem. The cultures of Parliament, Ministers and the civil service create a situation in which the rewards for success are limited and penalties for failure can be severe. The system is too often risk-averse.

What must change

6. This Government expects more of policy makers. More new ideas, more willingness to question inherited ways of doing things, better use of evidence and research in policy making and better focus on policies that will deliver long-term goals. Our challenge, building on existing good practice, is to get different parts of government to work together, where that is necessary, to deliver the Government's overall strategic objectives – without losing sight of the need to achieve value for money. This means developing a new and more creative approach to policy making, based on the following key principles:

- **Designing policy around shared goals and carefully defined results, not around organisational structures or existing functions.** Many policies are rightly developed and pursued by a single part of government. But a focus on outcomes will encourage Departments to work together where that is necessary to secure a desired result.
- **Making sure policies are inclusive.** We will devise policies that are fair and take full account of the needs and experience of all those – individuals or groups, families and businesses – likely to be affected by them.
- **Avoiding imposing unnecessary burdens.** Where government considers it right to regulate it will do so, but regulation for its own sake is too often seen as an easy answer, without proper consideration being given to better ways of achieving the outcome. We will base our decisions on a careful appraisal of the benefits any measure seeks to achieve, the costs it entails and the cumulative burden of regulation on business. In doing so, we will give business and other interested parties a proper opportunity to contribute.
- **Involving others in policy making.** Rather than defending policies, government should lead a debate on improving them. This means developing new relationships between Whitehall, the devolved administrations, local government and the voluntary and private sectors; consulting outside experts, those who implement policy and those affected by it early in the policy making process so we can develop policies that are deliverable from the start.
- **Improving the way risk is managed.** Government is often criticised for intervening too much to protect people from some risks, while failing to protect them sufficiently from others. Much government activity is concerned with managing risks, in the workplace, in what we eat and in protecting the environment. We need consistently to follow good practice in policy making as we assess, manage and communicate risks.
- **Becoming more forward- and outward-looking.** This means learning to look beyond what government is doing now; improving and extending our contingency planning, learning lessons from other countries; and integrating the European Union and international dimension into our policy making.

- **learning from experience.** Government should regard policy making as a continuous, learning process, not as a series of one-off initiatives. We will improve our use of evidence and research so that we understand better the problems we are trying to address. We must make more use of pilot schemes to encourage innovations and test whether they work. We will ensure that all policies and programmes are clearly specified and evaluated, and the lessons of success and failure are communicated and acted upon. Feedback from those who implement and deliver policies and services is essential too. We need to apply the disciplines of project management to the policy process.

Taken together and if applied consistently, these principles will re-invigorate our policy making capacity and capabilities. But that is not the end of the story. This White Paper will form the start of an ongoing debate, involving Ministers, civil servants and other stakeholders, about how policy making can be improved and how we can best ensure that policy delivers the changes that really matter.

Making a start



7. The **Comprehensive Spending Review** published last year, set new priorities for public spending with significant extra investment in key services such as education and health. It also identified key, cross-cutting issues that are best tackled across organisational boundaries. It is important that we build on this foundation to set clear priorities and a strategy for government as a whole.

Cross-cutting policy in practice – Sure Start

The Comprehensive Spending Review showed that services for children under 4 years old are patchy and fragmented. Research demonstrates that early intervention and support is important in reducing family breakdown; in strengthening children's readiness for school; and in preventing social exclusion and crime. The aim is to work with parents and children to improve the physical, intellectual, social and emotional development of young children.

Cross-departmental groups, involving people with an interest in health, education, the local environment, juvenile crime and family welfare as well as local government and the voluntary sector, were set up to devise and implement Sure Start. They have come up with an initial programme of 60 pilot projects – announced in January – based on evidence of what works and on the principle of learning from those with a track record in delivery.

8. To help us learn what works best in policy making, we are also experimenting with different ways of organising work around cross-cutting issues.



Different ways of tackling cross-cutting policies

- The **Social Exclusion Unit** is a cross-departmental team based in the Cabinet Office set up to tackle in a joined up way the wide range of issues which arise from the inequalities in society today.
- The **Women's Unit** supports the Minister for Women in representing the needs of women within government through research, specific project work, timely interjections into policy initiatives and longer-term work on institutional change.
- The **Performance and Innovation Unit** reports direct to the Prime Minister on selected issues that cross departmental boundaries, and proposes policy innovations to improve the delivery of the Government's objectives. It will also review aspects of government policy, with an emphasis on improving the co-ordination and practical delivery of policy and services which involve more than one public body.
- The **crime reduction programme** relies on co-ordinated working across central and local government, drawing on their expertise in policy development, implementation and research, to identify and deliver effective measures for reducing crime.
- The **UK Anti-drugs Co-ordinator** was appointed in 1997 to re-invigorate our approach to drugs problems and to galvanise the work of all agencies, ensure greater effectiveness and better use of resources.
- **Customs & Excise/Inland Revenue** have agreed cross-representation on each other's Boards and appointed a joint programme director to improve co-ordination of their tax policies, secure increased compliance and deliver better and more efficient services to businesses.
- The **Small Business Service** will improve the quality and coherence of delivery of government support programmes for small business and ensure they address their needs.
- The Home Office, the Lord Chancellor's Department and the Crown Prosecution Service are now jointly planning and managing the **criminal justice system (CJS)** as a whole, including the publication for the first time of integrated plans for the CJS.

9. We need an effective system of **incentives and levers** to put these principles into practice and to tackle the barriers to more effective policy making. These may include new accountability arrangements, such as pooled budgets across Departments, cross-cutting performance measures and appraisal systems which reward team-working across traditional boundaries. We have asked the **Performance and Innovation Unit (PIU)** to examine the accountability and incentives framework and report its findings by the summer.

10. The Government has taken a number of other steps already to apply these principles to policy making. For example:

- To make sure our policies are forward-looking, we have launched a new round of the cross-Departmental **UK Foresight Programme**. The PIU is separately identifying the key future challenges that government will have to face. This work will help Departments and other organisations to look beyond their existing policies towards the Government's long-term goals.

Looking ahead – the UK Foresight Programme

This will develop visions of the future, drawing in views from different age groups, regions and the widest possible range of organisations – government, the scientific community, business and the voluntary sector – to consider longer-term social, economic and environmental issues facing the UK. The aim is to help stakeholders, including government Departments, to identify what we need to do now, in partnership, to prepare us for future challenges and to make the most of advances in science and technology.

The Foresight 'knowledge pool', the first system of its kind in the world, will operate both as an electronic library of strategic visions, information and views about the future and as a platform for stimulating action by bringing people together and forging new partnerships.

- In the past, important groups in society have been marginalised. By understanding the diverse needs of society and mainstreaming them into Departments' thinking, we will be able to make policy that is better for all. As a first step, the Department for Education and Employment, the Home Office and the Women's Unit have issued new guidelines which set out how to achieve fair and inclusive policies, taking account of the needs of different groups in society. The new devolved administrations in Scotland, Wales and Northern Ireland will all have explicit remits to promote equality of opportunity in exercising their responsibilities.
- We will continue to draw the public, outside experts and those who implement policies into the policy making process through a range of task forces and review groups and by appointing lay members to many expert advisory committees.

Involving the public – Excellence in Schools

In order to ensure that all parents had the opportunity to contribute to the consultation Excellence in Schools (the Government's proposals for raising standards in schools in England by 2002) the Department for Education and Employment realised that they had to do more than publish an official paper. The proposals were produced in a number of formats and disseminated through many different outlets. A special telephone helpline was opened, free summaries were distributed through supermarkets and high street shops and there was a four-page pull-out section in the Sun newspaper. The helpline took over 1,700 calls, there were over 3,000 written responses to the full White Paper and a further 5,000 to the summary version. Most encouraging was the positive response, 3,500 replies, from individual parents. All responses were analysed and taken into account when decisions were reached.

St Mary's College
Londonderry.

Southwark Council –
Library and Information
Services.



11. It is important to link the better ways of developing policy identified in this chapter to better ways of delivering policy through well-considered legislation. Our efforts have focused primarily on publishing more legislation in draft for consultation, and arranging formal pre-legislative scrutiny of draft Bills within Parliament where appropriate. A full set of explanatory notes is provided with each government Bill and we have introduced a statutory requirement for all Bills to be accompanied by a statement on compatibility with the European Convention on Human Rights. We have also taken a positive approach to modernising Parliamentary procedure in Westminster and are seeking to make use of some innovative procedures – such as the special Standing Committee on the Immigration and Asylum Bill – this Session.

Future action

12. The Government will go further to ensure that policy making delivers creative, robust and flexible policies, focused on outcomes. Action to achieve this will include:

- following up the start made in the Comprehensive Spending Review by looking in the next review of public spending plans for **further areas where joint working and budgeting** are appropriate.
- responding to the report by the Performance and Innovation Unit in the summer on **accountability and incentives** to tackle the barriers to joined up policy making and innovative team-working in service delivery and publishing the further action the Government intends to take in the light of that report.
- seeking further opportunities to improve all stages of the **legislative process**, from policy development, through Parliamentary consideration of legislation, to ways of keeping legislation up to date in a world of increasingly rapid change.
- producing and delivering an **integrated system of impact assessment and appraisal tools** in support of sustainable development, covering impacts on business, the environment, health and the needs of particular groups in society.
- developing, in the newly formed Civil Service Management Committee of Permanent Secretaries, a more **corporate approach** to achieving cross-cutting goals and providing the **leadership** needed to drive cultural change in the civil service. One of its tasks will be to ensure that the principles of better policy making are translated into staff selection, appraisal, promotion, posting and pay systems. (We discuss this further in chapter 6).
- offering, for the first time through the new Centre for Management and Policy Studies (see chapter 6), **joint training to Ministers and officials** which will allow them to discuss the way policy is, and should be, made and to address particular areas of policy. It will also promulgate **good practice** in policy making, and develop a more government-wide, outcome-focused culture.
- asking the Centre for Policy and Management Studies to organise a programme of **peer reviews** to ensure Departments implement the principles of Modernising Government. We will also consider how best to assess whether Departments are operating the management systems necessary to deliver the principles identified in this chapter.
- learning the lessons of successes and failures by carrying out more **evaluation of policies and programmes**. We will modernise evaluation standards and tools.

13. The Government is also introducing a series of steps aimed at removing unnecessary regulation and ensuring that future regulations are limited to measures which are necessary and proportionate. In particular:

- the Better Regulation Task Force will complement its existing role by spearheading a **new drive to remove unnecessary regulation**.
- we will introduce **legislation** to increase the flexibility of the Deregulation and Contracting Out Act 1994, to facilitate deregulatory action.
- where departments are preparing policies which impose regulatory burdens, **high quality Regulatory Impact Assessments** must be submitted to Ministers and the Cabinet Office must be consulted (in the same way as the Treasury is on proposals with public expenditure implications) before decisions are taken. This process should ensure that any new regulations do not impose unnecessary burdens and can be managed so as to minimise cumulative effects and business uncertainty.

3. Responsive public services



3. Responsive public services:

We will deliver public services to meet the needs of citizens, not the convenience of service providers

1. Modernising Government means making sure that citizens and businesses come first. It means a genuine partnership between those providing services and those using them. People have grown impatient of barriers to effective and convenient service that stem simply from the way government is organised. They should not have to worry about what part of government they are dealing with. We must deliver services and programmes that are not only efficient and effective but also joined up and responsive. People have grown used to services being available when they want them. The Government is committed to making public services available 24 hours a day, seven days a week, where there is a demand. In short, we want public services that respond to users' needs and are not arranged for the provider's convenience.

Identifying the problem



2. Research with the People's Panel (see paragraph 7) shows that more people agree than disagree that our public service providers are friendly, hard-working and keen to help. But, although the number of people who are satisfied is increasing, many services still fall short of expectations. Two out of five people think services have got no better in the last five years, and over one in three thinks they have become worse.

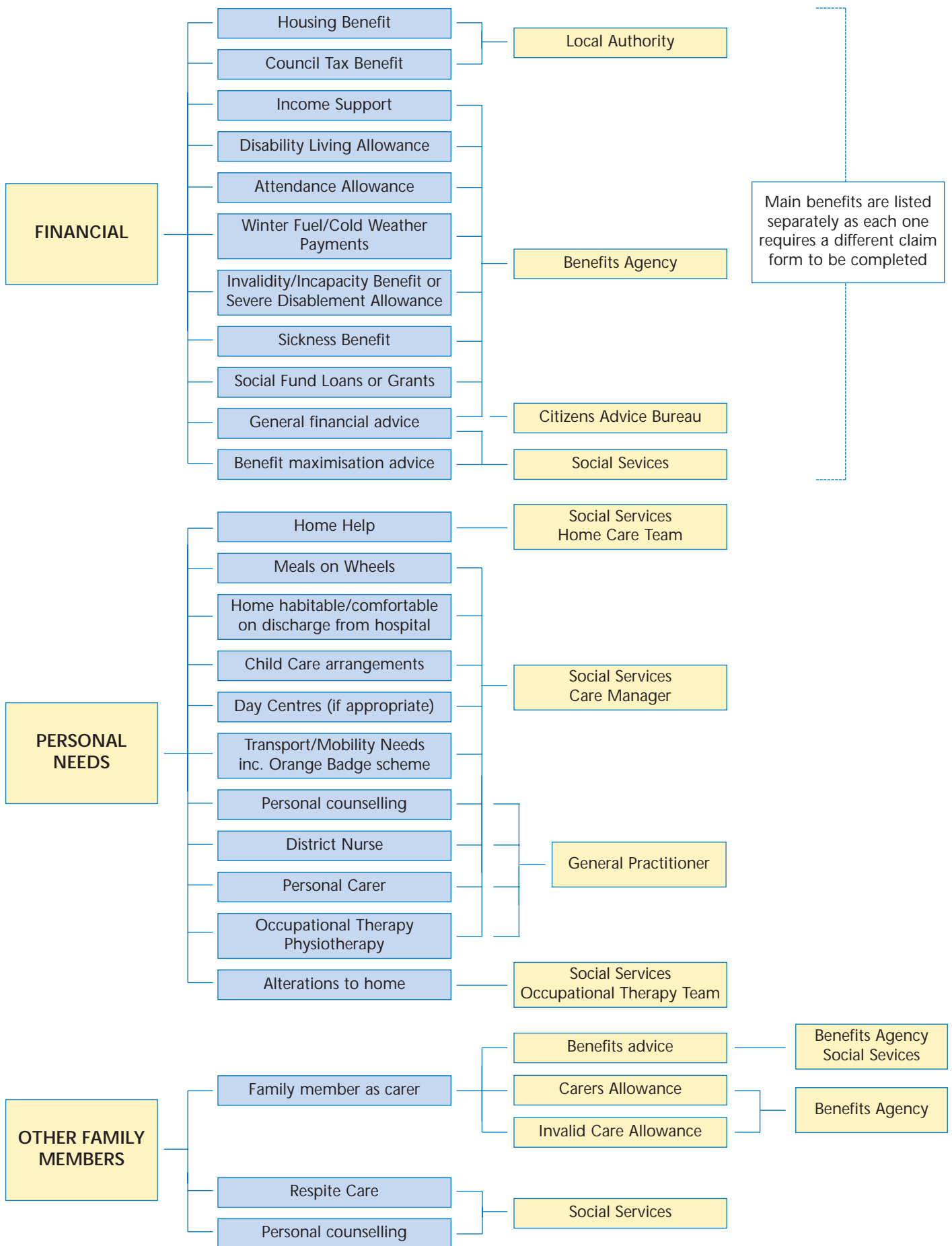
3. There are many barriers to providing services in the way people want them. The separation of government into different units – though necessary for administrative purposes – often means that people do not receive services in a co-ordinated way or that they receive multiple visits from different agencies. Individual agencies' performance targets and budgets can get in the way of them working together. Audit and inspection processes may hinder cross-cutting work (see chapter 4). Different government offices are often situated a long way apart from one another, and attempts to bring them together can be hampered by rules and regulations. And the multiplicity of administrative boundaries across the country can lead to inefficiency, complication and confusion.

4. Earlier this year, a number of '**Integrated-Service Teams**' were set up to identify the practical problems facing people when they use public services. The teams looked at seven of the most common 'life episodes': leaving school; having a baby; becoming unemployed; changing address; retiring; needing long-term care at home; and bereavement. Some of the most common problems were:

- People had to give the **same information more than once** to different – or even the same – organisations. A mother of a boy with physical disabilities said: "I have lost count of the times I have had to recount my son's case history to professionals involved in his care."
- There is often **no obvious person to help** those most in need to find their way around the system.
- There is a **lack of integrated information** to enable service providers to give a full picture of what help might be available.
- There is **minimal use of new technology**. Most government Departments have a website, but few allow people to fill in forms on line. And government websites are not well linked to other relevant sites.

5. The number of organisations a person needing long-term care may have to deal with is well illustrated by the diagram below.

NEEDING LONG-TERM DOMICILIARY CARE



NOTE: This diagram is for illustration only. The list is not exhaustive and other organisations, friends and family may provide alternative services to those shown.

What must change

6. The Government wants public services that:
 - **listen to people's concerns** and involve them in decisions about how services should be provided.
 - **are sensitive to the needs of particular groups of people or businesses.**
 - **reflect people's real lives.** Government should be organised so that people don't have to **hunt** down services by a process of trial and error.
 - **make it easy to complain and get a result when things go wrong.**

Making a start

Listening to people

7. If public services are to serve people better, the Government needs to know more about what people want. Rather than imposing solutions we must consult and work with people. That is why we have set up the **People's Panel**: a 5,000-strong nationally representative group – a world first – to tell us what people really think about their public services and our attempts to make them better. The Panel supplements research being carried out by individual parts of government, including local initiatives such as citizens' juries, community fora and focus groups. We will also build in the views of customers when measuring the progress that Departments are making against their performance targets in their Public Service Agreements.

Central government

8. **Government Departments and agencies** must be sensitive to their customers. This is true even of organisations whose work does not bring them into daily contact with the public. The Government set six standards in 1997 to improve central government's response to the public. We have now reviewed these and have added new commitments. We will also set new targets to improve correspondence handling across central government.

*Hereford and Worcester
– Employment Service.*

*Bridgend and Glamorgan
– Employment Service.*



New service standards for central government

In serving you, every central government Department and agency will aim to:

- answer your letters quickly and clearly. Each Department and agency will set a target for answering correspondence (including letters, faxes, and e-mails) and will publish its performance against this target.*
- see you within 10 minutes of any appointment you have made at its office; it will *set a target for seeing callers without appointments, and publish performance against this target.*
- answer telephone calls quickly and helpfully. *Each Department and agency will set a target for answering calls to telephone enquiry points, and will publish its performance against this target.*
- provide clear and straightforward information about its service and those of related providers, along with one or more telephone enquiry numbers and *e-mail addresses to help you or to put you in touch with someone who can.*
- have a complaints procedure – or procedures – for the services it provides, publicise it, including on the Internet, and send you information about it if you ask.*
- do everything reasonably possible to make its services available to everyone, including people with special needs. Consult users and potential users regularly about the service it provides and report on the results.*

**These commitments will take effect on 1 October 1999.*

Catering for the needs of different groups

9. Many people who use public services have particular needs or problems: for example, families, older people, women, ethnic communities and people with disabilities. The Government is determined that public services should address the needs of all groups.

10. Many older people find public services remote and intimidating. To give them a greater voice, the Government has set up the **Better Government for Older People** programme. We have also set up a Ministerial Group on Older People to ensure that Departments work together to respond to their needs. As part of the UN Year of Older Persons, Ministers will take part in a series of listening events for older people. And the new Performance and Innovation Unit has an Active Ageing Project, which will report in the autumn on how to improve the well-being and quality of life of older people by helping them remain active.



*Newlon Housing Trust.
Walsgrave Hospitals
NHS Trust –
Occupational Therapy
Department.*



Older people

Older people are among the major users of public services. But they often suffer from a lack of integration in our services, and a failure to respond to their particular needs.

The Better Government for Older People programme aims to improve public services for older people by better meeting their needs, listening to their views, and encouraging and recognising their contribution.

The programme is an example of partnership in action. There are 28 local pilots across the United Kingdom, involving well over 300 partner organisations from local government, central government, the health service, the voluntary and business sectors and many other areas. The pilots are wide-ranging: some focus on developing a comprehensive strategy for older people's services, while others are more specific, looking at areas such as health care, lifelong learning or personal safety. Many are devising innovative ways of involving older people: North Yorkshire has set up two new community forums to generate dialogue with older people over new ways of promoting and supporting independent living and to help them contribute to community self-help projects; Warwick District Council has recently opened an older people's information shop with access to the very latest in IT; Hackney has established a Council for Older People to help to ensure that services are sensitive to the ethnic diversity of its older people, while South Lanarkshire has developed vocational qualifications in community work for the over 50s. And services, too, are being joined up. For instance, in mid Devon, the Benefits Agency and the local Council are involved in developing seamless and better integrated benefits advice, while in Hartlepool, the Retired Resource Network has been instrumental in introducing a new subsidised taxi service.

The programme is dynamic and growing. On 16 March 1999, we launched a national learning network to help everyone share the emerging lessons from the pilots, and to encourage all levels of government, central and local, to prepare for the needs of an ageing population.

11. The Government has recognised the distinct interests and concerns of women by appointing a Minister for Women at Cabinet level. And initiatives such as the National Childcare Strategy and the National Minimum Wage have been designed with women at the forefront of our thinking. Future policies and services need to reflect the realities of women's daily lives, and should change as priorities and attitudes change. To help achieve this, the Minister for Women launched a **Listening to Women exercise** on 22 February 1999. This consists of regional road shows, a national conference of women's organisations, qualitative research, and a postcard campaign. Government has never communicated with women in this way before. We will circulate our findings in the autumn to all parts of government so that they can use them in their own policy making, and will develop women-specific guidelines for service providers.

12. The Government also recognises the needs of ethnic minorities. The Stephen Lawrence Inquiry, published in February 1999, starkly illustrated the need to rebuild the confidence of ethnic minority communities in public services. The Home Secretary has published his action plan setting out the programme of work in response to the inquiry's findings. When Parliamentary time permits, the Government will put beyond doubt that public services and law enforcement will be covered by race discrimination legislation.

13. Ethnic minority communities have already been given a voice at the heart of government through the establishment last June of the Home Secretary's Race Relations Forum. Its 28 members, drawn from a wide spectrum of experience, have already considered how to deliver better services, including how to improve the educational achievement of young people from ethnic communities. The Forum has close links with the Department for Education and Employment's Advisory Group on Raising Ethnic Minority Pupil Achievement.

14. For families, the consultation document, *Supporting Families*, published in November 1998, sought views on how to make services more family-friendly.



Preston acute hospitals
NHS Trust – Disablement
Services Centre

Care being provided at
the Bexley Council
Whitehall Centre



New Deal for Disabled People

The Department of Social Security (DSS) and the Department for Education and Employment (DfEE) are working in partnership to develop proposals for the New Deal for Disabled People (NDDP). The aim is to find out how best to help people on incapacity benefits to find, or stay in, work. Disabled people and their organisations were involved from the start and advised, for example, on the design of Personal Adviser Service pilots. Two main conferences were held and a number of suggestions were taken on board as a result, including changes to the payment of benefits if a job did not work out for them.

The Personal Adviser Service is being piloted in 12 areas. Ten innovative schemes are already up and running and another group will begin shortly. The NDDP is being delivered and evaluated in close co-operation with disabled people and their organisations. The evaluation results will be made widely available and the DSS/DfEE expect to hold further conferences to help ensure that the lessons learned will fully inform the future direction of this area of policy.

Services that reflect business needs

15. Many of the problems identified through the Integrated-Service Teams apply equally to businesses – especially small businesses – when they have to deal with government. The Government will establish a new Small Business Service, designed to provide the kind of practical help that smaller businesses need. The Department of Trade and Industry will consult small businesses, their representative organisations and other interested parties to make sure that the new body provides high quality services and support to small firms. The new service will have over £100 million of new money over the next three years for this purpose. Its role will be to:

- act as a strong voice for small business at the heart of government.
- improve the quality and coherence of delivery of government support programmes for small businesses and ensure that they address their needs.
- help small firms deal with regulation, working with others such as the Inland Revenue and Customs & Excise to cut the burdens of compliance.

Access Business

Business is subject to a confusing array of regulations and enforcement. Access Business is a partnership of Ministers and representatives from business and local government, which is helping businesses through, for example:

- **guidance on performance management**, to be published in April 1999. We are also looking to reduce the reporting burden on local authority trading standards and environmental health functions. Trials of a single electronic report will begin in the summer.
- the **INFOSHOP** pilot, which is building on work in Bexley to develop an information system to enable local government front-line staff to resolve complex customer queries at the first point of contact.
- the **Enforcement Concordat** – a blueprint for fair, practical and consistent enforcement.

Looking for a job: Employment Service Direct

If you are looking for a job, you can now do so by phone. For the price of a local call, you can call the national 0845 6060234 number for Employment Service Direct and talk to advisers who have access to a database of over 300,000 job vacancies in England, Scotland and Wales. They can put you in touch with employers or arrange job interviews on the spot. There are separate ES Direct services for people with hearing difficulties and for Welsh speakers. Between January and March of this year, more than 10,000 people found jobs through ES Direct.

Services that reflect real lives



16. Over the past two years, the Government has launched a range of new programmes to improve the joined up delivery of services both to individuals and to businesses. We have created Service First – the new Charter programme. We are tackling the problems of particularly deprived areas. And we are combining government's resources – at all levels – with those of the voluntary and private sectors.

17. We are setting up:

- **national, citizen-focused** programmes. Managed centrally by government Departments or agencies, these will cover the whole country, and will be available to all. Examples include NHS Direct and Employment Service Direct.
- **group-focused programmes**. These may be national or area-based, but are concerned with the needs of particular groups of people, such as the Better Government for Older People pilots, the New Deal for the Young Unemployed, or the Service Families Task Force.
- **area-based programmes**. These tackle the problems of particular areas or localities. Some have relatively large area boundaries (such as Health Action Zones and the Local Government Association's New Commitment to Regeneration). Others may be more locally based (such as Employment Zones, Education Action Zones, the New Deal for Communities and, in Wales, People in Communities). They are often targeted on areas of multiple deprivation.

The LGA's New Commitment to Regeneration

The New Commitment to Regeneration is an initiative by the Local Government Association to bring a new strategic approach to the regeneration of local communities. It has been developed with a range of national and local partners and with full government support. Twenty-two pathfinders have been chosen to lead the initiative. The New Commitment will:

- *bring together partner organisations in the public, voluntary and private sectors, drawing on mainstream programmes and budgets.*
- *involve national government as a key partner.*
- *provide agreed strategies for regenerating whole local authorities or groups of authorities, and achieve new flexibilities in the way national policies are carried out locally, in health, welfare, housing, finance, transport, education and other areas.*



Elmtree County First School, Chesham Buckinghamshire.

North West Water – Information Centre.



Education Action Zones

In England, Education Action Zones (EAZs) will support schools by bringing them together with local businesses, local councils and others in an Action Forum. Each zone will typically cover between 15 and 25 schools (usually two or three secondary schools and their feeder primaries) and will be set up for three to five years. EAZ schools are able to innovate to raise standards, for example by introducing new approaches to rewarding teachers, including Advanced Skills Teachers, or an altered curriculum. The Action Forum could even act as a governing body for some of the schools. Twenty-five EAZs have already been established, and applications for more were invited in January 1999.

18. The aims and timetables for these initiatives differ. But they all share some common principles. They depend on partnership between different agencies in the public, private and voluntary sectors, and often involve users and staff too. They encourage experimentation and innovation. They make access to services easier for citizens and for businesses. By working together with other services, each organisation can make more effective use of its resources. And they encourage the spread of good practice. Above all, they are designed to make a difference on the ground. They have measurable outcomes, such as improving healthcare and giving better value for money. The Government will make sure they do.

One-stop shops

19. One-stop shops make life easier for those who use services. They can take the form of places people visit to get advice and information about different services, such as the Public Record Office's Family Records Centre and the Lewisham and Camden one-stop shops for benefits. Or they can be 'virtual' one-stop shops, available via the telephone or the Internet, such as the MOD's Veterans' Advice Unit, or Business Links. They reduce the number of separate visits people have to make to get services. They also lead to a more efficient use of resources by service providers.



Lewisham one-stop shop

People in Lewisham can now claim Income Support and Housing Benefit together on an electronic claim form, either in the Benefits Agency or local authority office, or by tele-claim to Belfast. This gives choice, uses new technology, and removes the need to deal with two separate organisations. Information is passed between the two electronically, rather than by paper. This speeds up decisions on financial help and delivers joined up service. People now receive one visit only, during which information for both parties is gathered. To get advice and help, people can choose to use video conferencing booths or call either the Benefits Agency or local authority office. This joined up approach is starting to provide a one-stop service for people in the area.

Camden one-stop shop

Lone parents living in Camden can now claim for Income Support, Child Support and Housing and Council Tax Benefit together, using a tele-claim to a call centre. This means they no longer have to provide much the same information separately to three organisations. Following the tele-claim, the lone parent receives one filled-in form for checking and signing. They can also get help about the New Deal for Lone Parents. This provides a better service, which is welcomed by lone parents, improves accuracy and speed of help, and involves staff positively.



Veterans' Advice Unit

The Ministry of Defence has launched a Veterans' Advice Unit to provide a telephone focal point for the United Kingdom's estimated 15 million ex-Service men and women and their dependants. The Unit acts as a one-stop shop or 'signpost' to advise callers on how to obtain expert help on issues of concern to them, whether provided by central or local government or voluntary organisations. It has handled calls on a wide range of issues including housing, finance, tracing of relatives and pensions.

Pooled budgets

20. The Government has set up a number of cross-departmental budgets involving several Departments in delivering programmes such as Sure Start and the New Deal for Communities. And we are taking steps, through the Health Bill and the Local Government Bill, to build on existing work, such as the Single Regeneration Budget, to help local agencies work together to support innovative service delivery by establishing pooled budgets.

Invest to Save Budget

21. The Government will spend £230 million over the next three years to fund projects that involve two or more public bodies getting together to deliver services that are more innovative, more joined up, more locally responsive and more efficient. About half the projects funded so far are piloting new ways of joint working that have the potential to be used more widely within the public sector.



Single Work-Focused Gateway

The Single Work-Focused Gateway pilots will place work and the steps needed to help a return to the labour market at the centre of the claim-making process. The Gateway will provide a single point of entrance to the benefit system for those of working age, combining in one place the services currently offered by the Benefits Agency, the Child Support Agency, the Employment Service and the benefit departments of local authorities. £80 million of the funding for the Gateway is being provided from the Invest to Save Budget.

Wherever possible, the public will receive services in an open plan, screen-free environment with full disabled access. The pilots will explore other ways of improving customer-focused service, such as the greater use of telephony, electronic claim-taking and the involvement of the private and voluntary sectors.

Clients will have their own Personal Adviser who will help them explore how they can become more independent and give them information about the wide range of opportunities and support available. The adviser will provide advice throughout the client's time on benefit and will be the point of contact for any issues related to benefits or work. The result will be a system that will encourage work and independence, will be more responsive to an individual's needs, will remove duplication of effort between different agencies, and provide a more efficient and effective service to clients.

Future action

22. The Government will take its drive for more joined up and responsive services further by:

- actively encouraging **initiatives to establish partnership delivery** by all parts of government in ways that fit local circumstances; and establishing common targets, financial frameworks, IT links and so on that support such arrangements.
- launching a second round of bids to the **Invest to Save Budget**, which will be available to the wider public sector (local authorities, health bodies, Non- Departmental Public Bodies and police authorities) as well as to central government.
- ensuring that all public bodies are **properly and fully accountable to the public**. The Parliamentary Ombudsman's jurisdiction has been extended to cover an additional 158 public bodies. To ease public access and improve efficiency in dealing with complaints across different services, we will also review the organisation of public sector ombudsmen in England.
- implementing a **community planning process** so that local authorities and other local public bodies can adopt a common and co-ordinated approach to meeting local needs.
- consulting on radical **improvements in the provision of registration services**, particularly with respect to user-friendliness, use of IT, and links to other services.

23. The Government will also tackle the barriers to joint working, by:

- producing an action plan by the summer on the lessons learned from the **Integrated-Service Teams'** experiences of practical problems faced by people using public services, including a commitment for people to be able to notify different parts of government of details such as a change of address simply and electronically in one transaction.
- launching, in April, a **network of local partnerships** to identify where central requirements for information get in the way of joint working, and exploring how performance measures can be used to support partnerships. The project will run until October 2000, and will share lessons widely across government.
- responding to the **Performance and Innovation Unit's** study in the summer on the way central government is organised and delivers services at regional and local level.



- developing a more co-ordinated approach to **property management**, so that people do not have to visit offices some distance from one another to get related services. We want property to be managed more flexibly, so that service providers can be more innovative in achieving joined up services. The Property Advisers to the Civil Estate (PACE) will take on a much stronger role in ensuring a joined-up approach. It will do this, across government, by developing an interactive common database for the government's estate that will allow Departments to share information and best practice via the Government Secure Intranet or the Internet; and by working with the Local Government Association to achieve a more co-ordinated approach across the public sector.
- working to align **the boundaries of public bodies**. More than 100 different sets of regional boundaries are used in England alone. This complicates administration, reduces efficiency and frustrates joined up government. It also confuses the public. Wherever possible, boundaries should coincide with local authority boundaries at local level, and with Government Office regions' boundaries at regional level. The Government will work from a presumption that geographical boundaries should be aligned in this way whenever public bodies next review their administrative, managerial or delivery arrangements and structures. We will only make exceptions when there are strong over-riding considerations, for example where we have already committed ourselves as a result of recent reviews. We expect all newly created bodies to aim to meet these requirements from the outset and will review progress in 2002.

24. The Government is determined to ensure that public services reflect real lives. We intend to bring about a significant transformation over the coming years:

Health – by the end of 2000, everyone in the country will be able to phone NHS Direct, 24 hours a day, for healthcare advice and information from experienced, qualified nurses.

Jobs – by 2001, jobseekers should be able to look for and apply for jobs through the Employment Service anywhere in England, Scotland and Wales using the telephone or Internet, including evenings and weekends.

Learning – by 2002, students of all ages will be able to access the National Grid for Learning, through all schools, colleges, universities, public libraries and as many community centres as possible so as to share high quality learning materials and have access to the wider Internet.

Older people – by the end of 2000, older people should benefit from joined up services and integrated planning in at least half our local authorities.

Changing address – a commitment for people to be able to notify different parts of government of details such as a change of address simply and electronically in one transaction.

New benefit claimants – new benefit claimants will be able to deal with their employment needs and benefit claims in one place through the Single Work-Focused Gateway, eliminating the current duplication and confusion.

4. Quality public services



4. Quality public services:

We will deliver efficient, high quality public services and will not tolerate mediocrity

1. This Government believes in the public service and public servants. But that does not mean the public service at any price. The British public has grown accustomed to consumer choice and competition in the private sector. If our public service is to survive and thrive, it must match the best in its ability to innovate, to share good ideas and to control costs. Above all, the public service must deliver efficiently and effectively the policies, programmes and services of government. Some of our public services achieve this now. But others do not. We intend to bring them up to the level of the best, and make the best even better, by modernising the controls under which they operate, by encouraging new ways of working and wherever practicable by giving the public the right to choose.

Identifying the problem

2. Governments have not always looked closely enough at the link between spending and what the public is really getting in the way of results. Sometimes they have cut resources in one area without being fully aware of what the consequences across the system will be. At other times, resources have been increased with no real certainty that this is leading to improvements in services as experienced by users. The checks and controls that should drive improvement have been allowed to act instead as barriers to innovation. The incentives to modernise have been weak. And without having a clear enough picture of the outcomes on the ground, it has been difficult to identify lessons and share learning about how to do things better.

What must change

3. The Government needs to ensure that public bodies are clearly focused on the results that matter to people, that they monitor and report their progress in achieving these results and that they do not allow bureaucratic boundaries to get in the way of sensible co-operation. We must make clear that additional investment comes with strings attached and is conditional on achieving improved results through modernisation. We must encourage a commitment to quality and continuous improvement, and ensure that public bodies know how to turn this commitment into results. And we must work in partnership with the independent audit bodies and inspectorates, so that we all focus on the goal of improving the value delivered to the public.

4. Too often in the past, the tendency in the public service has been to stick with the traditional. The world is changing too fast for that to be an effective approach. The best public bodies have shown an ability to innovate and improve. We need to encourage others to follow the example of the best, and to make a step change in the general standards of public services.

5. We must not assume that everything government does has to be delivered by the public sector. The last Government adopted an approach to competition in the public sector which favoured privatisation for its own sake and damaged the morale and ethos of the public service. This Government will adopt a pragmatic approach, using competition to deliver improvements. This means looking hard – but not dogmatically – at what services government can best provide itself, what should be contracted to the private sector, and what should be done in partnership.

Making a start

6. The Government has developed a number of levers to drive up standards in public services:

- The **Comprehensive Spending Review** established a new approach to improving service delivery. We provided significant additional resources for key services and made it clear that this money would be used for modernisation and investment in reform.
- The new **Public Service Agreements (PSAs)** for the first time set out in detail what people can expect in return for this substantial new investment. In some areas, such as criminal justice and action against illegal drugs, results will only be delivered effectively if different organisations co-operate. Cross-cutting Public Service Agreements define what needs to be achieved through joint action.

Key manifesto pledges on service standards incorporated in PSA targets

- *to cut infant class sizes to 30 or under for 5, 6 and 7 years olds by September 2001.*
- *to reduce the time taken from arrest to sentence for persistent young offenders from 142 to 71 days.*
- *to cut NHS waiting lists by 100,000 over the lifetime of the Parliament and to deliver a consequential reduction in average waiting times by May 2002.*
- *to get 250,000 under 25 year olds off benefit and into work by using money from the windfall tax.*

- The Government has developed a new approach to **public expenditure planning and control**. In place of annual plans, we have – wherever possible – set firm three-year spending plans for Departments. To bring an end to the rush to spend money at the end of the financial year, we have increased the scope to carry forward unspent provision. The introduction of resource accounting and budgeting will replace the archaic use of cash-based accounting. This will mean better linkages between the resources we put in and what we achieve, and will increase the incentives for assets to be managed effectively.
- The Government is doing more to develop its commercial skills, so that we can work more productively in partnership with industry to get the best deal for users. In the defence field, our Smart Procurement Initiative will transform the way equipment is procured. Independent reviews of central government procurement and the Private Finance Initiative will together strengthen our performance by making better use of public-private partnerships and closer collaboration between organisations. In construction, we have put in place a three-year strategy for achieving excellence as a client, and are working jointly with the construction industry to re-think and improve our management of public sector projects. Altogether we are sharpening up co-ordination of government's commercial activities, making better use of our skills, and exercising more influence with suppliers.
- Ministers and their Departments will be held to delivery of the priorities set out in the PSAs. The Government will ensure that these priorities are cascaded through the **targets and measures** which will be set for all public bodies, in consultations with those who receive services. On both targets and inspections, we will focus on key outcomes and strike an appropriate balance between intervening where services are failing and giving successful organisations the freedom to manage.

The new mechanisms for managing delivery

- **Comprehensive Spending Review**, setting out for the first time a co-ordinated set of objectives covering all public spending.
- **Public Service Agreements**, setting out for the first time firm targets for improving services over the next three years. Shifting the focus decisively from inputs to the outcomes that matter.
- New **Cabinet Committee (PSX)** monitoring progress on a regular basis with relevant Secretaries of State.
- New **Public Service Productivity Panel** bringing together public and private sector expertise to help Departments achieve the improvements necessary.
- **Annual Report** summarising progress for Parliament and the public.

Four principles for performance management and inspection

- **Encourage a whole systems approach.** We will put the focus on assessing improvements in the effectiveness and value for money of a whole system, such as the criminal justice system, not just in its constituent parts.
- **Move from counting what goes in, to assessing what is being delivered.** We will keep a tight rein on the management of resources. But we also need to know what is being achieved with the money spent. The targets for government Departments, as far as possible, are expressed either in terms of the end results or service standards, and we are working to develop measures for all levels of government which support this approach.
- **Intervene in inverse proportion to success.** The Government is not afraid to take action where standards slip. But we do not want to run local services from the centre. Where services deliver results we will give them greater freedom to innovate.
- **Use the right information at the right level.** We want managers to use performance measures to monitor and improve their organisations. We do not want them to feel swamped by information overload or bureaucratic requests for irrelevant data. We will use new technology to take a more streamlined approach to managing information in the public sector.

7. The Government is also determined to encourage innovation and share good practice. To do this:

- we are working closely with the **Public Audit Forum** – which represents all the national audit agencies – to find ways of encouraging more modern and effective forms of service delivery at local as well as central level. Auditors are rightly interested in whether organisations obtain value for money. We want them to be critical of opportunities missed by sticking with the old ways, and to support innovation and risk-taking when it is well thought through. We welcome the Forum's statement that the national audit agencies will respond positively and constructively to our Modernising Government initiative.
In future, people will no longer be able to use audit as an excuse for not delivering more co-ordinated and efficient services.



The Auditor's approach to Modernising Government initiatives

Statement by the Public Audit Forum

"Modernising Government represents a significant change in the public service environment, and its successful implementation will require new ways of working. The goal of achieving more efficient and effective delivery of public programmes is one that is shared between public sector managers and auditors, and the Public Audit Forum do not want fear of the risks of change to stifle worthwhile innovation designed to lead to improvements. So we encourage auditors to respond constructively and positively to Modernising Government initiatives and support worthwhile change.

Public sector managers are of course responsible, as stewards of public resources, for assessing and managing the risks associated with innovation and increased flexibility, and for ensuring the proper conduct of public business and the honest handling of public money while pursuing innovative ways of securing improvements in public services. It remains important to ensure proper accountability but this must not be approached in a rigid way which might mean missing opportunities to deliver better value for money. And auditors will respond to this new environment positively and constructively by:

- adopting an open-minded and supportive approach to innovation (including the use of techniques tried elsewhere), examining how the innovation has worked in practice and the extent to which value for money has been achieved.*
- in the process, supporting well thought through risk-taking and experimentation.*
- consistent with their independent role, providing advice and encouragement to managers implementing Modernising Government initiatives by drawing on their audit work in this area, seeking to identify and promote good practice so that experience can be shared and risks minimised.*

In these ways, we believe auditors can support and encourage worthwhile change, while providing independent scrutiny and assurance, and fulfilling effectively their statutory and professional responsibilities."



- we plan to get rid of unnecessary or outdated statutory burdens** on public services, which prevent them delivering a modern service. We propose to extend the Deregulation and Contracting Out Act 1994 to make it easier to remove burdens from public sector organisations. We will also streamline the collection and sharing of data so that we can better manage government information, for example to help target efforts in tackling social exclusion.
- we will identify organisations which would benefit from being given additional scope to innovate, and consider how to give them appropriate freedoms.** We will do this in central government through the regular reviews of agencies and Non-Departmental Public Bodies (NDPBs). In local government, the second stage of the beacon councils initiative will involve giving additional freedom and flexibility to those councils which have shown an ability to excel. The Local Government Association's New Commitment to Regeneration Pathfinders are also considering what types of freedom and flexibility would support their aim of regenerating local communities. We will build on these approaches with other ways of allowing local service delivery units to explore new ways of working. We will encourage staff to come forward with suggestions for how services can be improved.

GEMS Scheme – *The Ministry of Defence's staff suggestion scheme is the largest in the country. It offers cash awards of £25 to £10,000 or more to staff in the Ministry of Defence and the Armed Forces who have ideas that can improve the management and delivery of defence. The scheme generates ideas saving £15 million per annum and demonstrates that staff are full of good ideas.*

8. When things are being done well, we need to share good ideas across the great range of organisations delivering different public services. To that end:

- we have launched a **Public Sector Benchmarking Project** to spread use of the Business Excellence Model across the public sector. The Model is widely used by leading private sector companies, but for the public sector this project is the world leader in scale and ambition. It is helping to spread best practice across boundaries, not just within the public sector, but between public and private users of the Model and internationally. Take-up of the Model has already reached 65% of central government agencies and 30% of local authorities. Over 90% of users report that their rate of improvement has increased as a direct result.
- in the health sector, we are setting up the National Institute for Clinical Excellence to provide a single focus for guidance to clinicians about which treatments work best for which patients. Good practice in NHS Trusts and primary care will also be identified through the new NHS beacon services initiative.
- in local government, we have set out our plans to establish centres of excellence by introducing the beacon council scheme, designed to promote and recognise innovation in areas of cross-cutting work. In addition, the Local Government Improvement and Development Agency will act as champion of a best practice culture in local government.
- in education, beacon schools are piloting a range of initiatives to share ideas and approaches to teaching, and to pass on expertise in a host of subjects.
- we have developed principles of good regulation and enforcement. These recognise that regulations should be necessary, fair, effective, balanced and enjoy a broad degree of public support. The primary function of central and local government enforcement work is to protect the public, the environment and groups such as workers. But at the same time, we need to ensure that enforcement functions are carried out in an equitable, practical and consistent manner in order to promote a thriving national and local economy.



*University Hospital
Birmingham NHS
Trust.*

*Birmingham
City Council –
Neighbourhood Advice
& Information Service.*



Future action

9. The Government is committed to achieving **continuous improvement in central government policy making and service delivery**. To achieve this we have devised five principles: challenge, compare, consult, compete and collaborate. We will use these to build on our Best Value approach to local government and complement the existing scrutiny of central government carried out by the National Audit Office and by Parliament. We will offer these approaches as models for the devolved administrations to consider in developing their own approaches to continuous improvement.

Continuous improvement for central government	We will:
<p>Challenge</p> <p>Is this service, legislation or policy work what is needed? Is it being delivered in the right way by the right organisation?</p>	<ul style="list-style-type: none"> • assess the impact of policies and legislation (for example on ethnic minorities or small firms, or people's health) before they are introduced. We will also evaluate policies after they have been introduced and put right any failures. • (as set out in <i>Better Quality Services</i>) review all activities in all Departments and agencies against five options: abolish, restructure internally, strategically contract out, market test or privatise. • strengthen the five-yearly reviews of agencies and NDPBs.
<p>Compare</p> <p>Compare actual performance with promises, and learn by benchmarking policy making and services between organisations, between regions, between sectors and between countries.</p>	<ul style="list-style-type: none"> • use Public Service Agreements. These provide, for the first time, hard targets for improving services over the next three years. They shift the focus decisively from inputs to outcomes. • monitor progress on a regular basis through the new Cabinet Committee (PSX). • use the new Public Service Productivity Panel to bring public and private sector expertise together. • produce an Annual Report summarising progress. • benchmark service delivery and policy functions, in particular by using the Business Excellence Model.
<p>Consult</p> <p>Be responsive to the needs of users, listen to and work with stakeholders, including both customers and staff.</p>	<ul style="list-style-type: none"> • consult stakeholders as part of our continuous improvement activity. This is: <ul style="list-style-type: none"> – one of the nine principles of the Service First programme. – the starting point for service level and organisational reviews. – supported by publication of departmental and agency annual reports. – part of best practice in developing and implementing policy and legislation.
<p>Compete</p> <p>What matters is what works – the Government should use the best supplier whether public, private or voluntary sector.</p>	<ul style="list-style-type: none"> • build on <i>Better Quality Services</i> which sets out the Government's pragmatic approach and provides guidance on how to achieve it. We will work with the Local Government Association to develop guidance on how Best Value and Better Quality Service reviews can be used together to help join up services. • base procurement on competition to secure best whole-life value. • use partnering to encourage innovation and continuous improvement, and PFI for capital projects.
<p>Collaborate</p> <p>Work across organisational boundaries to deliver services that are shaped around user needs and policies that take an holistic approach to cross-cutting problems.</p>	<ul style="list-style-type: none"> • build on the development of partnerships, at local level through initiatives such as Health Action Zones, and at national level, for example through a joint strategy for the criminal justice system. We are working to identify and overcome the barriers to closer working between organisations, as set out in chapter 2.



Best Value is currently being introduced to replace compulsory competitive tendering in local government. It is a rigorous system for delivering high quality, responsive services based on locally determined objectives and underpinned by performance measurement and independent inspection and audit in order to achieve continuous improvement.

10. Improving the quality and efficiency of public services requires a new approach to the question of who should supply services. In recent years, the application of compulsory competitive tendering and market testing has led too dogmatically to the use of private sector suppliers. Although it delivered savings and efficiencies, this was sometimes at the expense of quality. This Government will not make the mistake of rigidly preferring private sector delivery over public sector delivery, or vice versa. Instead, we will develop an approach based on the straightforward idea of best supplier, retaining an open mind about which supplier, public, private or partnership, can offer the best deal.

11. Over the next five years, we will review all central and local government department services and activities – by consulting widely with users, by benchmarking and by open competition – to identify the **best supplier** in each case. The focus will be on end results and service standards, rather than simply on processes. The aim will be to secure the best quality and value for money for the taxpayer. We also want clarity and certainty about the treatment of staff, and wherever there is a change of service provider we will support staff by presuming TUPE protections (Transfer of Undertakings Protection of Employment regulations) apply. Winning suppliers will need to offer improved quality, as well as better productivity and lower costs. And because public service needs do not stand still, we expect best suppliers to prove they can manage change and offer the public continuous improvement. We will mount a co-ordinated programme across the public sector based on common principles, embracing the Better Quality Services initiative for central departments and agencies, and Best Value in local government.

12. To make sure we get the best supplier, competition will be considered seriously as an option in every case. Where internal restructuring without competition emerges as the preferred solution, then for larger central government services, this will be subject to prior scrutiny by the Cabinet Office and Treasury. The Government will take decisive action to deal with failing services, whether supplied by the public or the private sector. A Committee of Ministers (PSX) will monitor the performance of Departments in delivery of Better Quality Services, ensuring that reviews are robust and generate continuous improvements in quality and cost.



*Premier Health NHS Trust
– Children's Centre.*

*Dyfed Powys –
Community policing.*



13. The Government will take other steps to raise the quality of public services to the standards of the best, and to make the best better. We will:

- encourage public sector organisations to adopt one of the main quality management schemes. They deliver real improvements, whether in customer service (Charter Mark), the skills and motivation of staff (Investors in People), services and processes (ISO 9000), or to the complete organisation (the Business Excellence Model).

Quality schemes

Barnsley Community and Priority Services NHS Trust have 1998 Charter Mark, accreditation to ISO 9001 and IIP. These enable objective and independent evaluation of the Trust's services. Having the three awards enables the Trust to focus on different aspects of quality across the entire organisation.

The London Borough of Southwark uses four quality tools extensively. ISO 9000 is employed to improve processes and Charter Mark for units dealing with the public. The quality of service of Charter Marked units has noticeably improved. IIP is used to help staff achieve overall objectives; while the Business Excellence Model has been adopted to provide a strategic overview.

The Land Registry's mission is to be recognised as the most professional, efficient and courteous public service in the UK. It monitors progress through the Business Excellence Model, Charter Mark and IIP which collectively provide a comprehensive 'health check' – a rigorous set of standards which help planning and direct the drive for continuous improvement.

- ask the new Modernising Government Quality Schemes Task Force to report by the end of this year on how the different quality schemes can work together in the public sector to enhance their overall impact.
- establish a new scheme to encourage Charter Mark holders and high-scoring users of the Business Excellence Model to stage open days for peer organisations building on the new beacon approach.
- change central government's approach to reviewing its agencies, and NDPBs (quangos). All such reviews will in future focus on outcomes, will take into account the views of customers, and look at the scope for improving services through collaboration. We will publish guidance on the new approach in the autumn.

Hereford & Worcester
Fire Brigade.

Lancashire Ambulance
Service NHS Trust



- collaborate with the Audit Commission and inspectorates to **develop principles of public inspection**. These principles should make clear that inspection has a positive role to play in supporting improvements in services as well as in providing assurance about standards.
- set up a new **Best Value Inspectorate Forum** in the summer as a means of **encouraging more co-operation between inspectorates**. We will encourage the Forum to look at whether inspectorates take sufficient account of joint working between the bodies they inspect; at the scope for involving users more in the inspection process; at the scope for co-ordinating their programmes and sharing information; and at how best to target their resources on those areas where the risks involved are greatest – intervention in inverse proportion to success. And we will encourage those inspectorates not involved in Best Value to act on lessons learned.
- launch a sponsored competition this year, based on the criteria of the Business Excellence Model, to encourage good practice in partnership working.
- bring together front-line staff from across the public sector in a regular forum with senior policy makers at the centre of government to ensure that policies can take better account of operational experience.
- set up a new website for sharing best practice which will include a database of good practice examples.

5. Information age government



5. Information age government:

We will use new technology to meet the needs of citizens and business, and not trail behind technological developments

1. Information technology is changing our lives: the way we work, the way we do business, the way we communicate with each other, how we spend our time. New technology offers opportunities and choice. It can give us access to services 24 hours a day, seven days a week. It will make our lives easier. Government intends to be at the head of these developments, using them to give effect to the vision in this White Paper.

Identifying the problem

2. We have seen a revolution over the past decade in the way leading companies across the world do business. They have used networked computing to refocus their activities on the customer. They have used IT to work more closely with their suppliers. They have made innovative use of information to become learning organisations. They have supplied new services, when, where and how the customer wants them. They have developed new delivery channels like call centres and the Internet. They have given their staff the support they need to use IT effectively.

3. Government has not kept sufficient pace with these developments. We have been active in some areas. We set out our programme in a consultation paper, *Our Information Age*. We have launched major initiatives in education, libraries and the health service. We have begun to widen access to IT skills and to encourage the growth of electronic commerce and digital broadcasting. In the White Paper *Our Competitive Future* we have made clear our championship of electronic commerce as a key tool for a successful knowledge-driven economy. And in the Budget we announced a programme worth £1.7 billion to provide computers and IT literacy for all.

4. But we must go much further. Government has so far followed a largely decentralised approach to IT development. This has allowed Departments and agencies to modernise their systems in ways that meet their own needs. But we have not developed ways of ensuring that we maximise the benefits of IT for government as a whole. As a result, we have incompatible systems and services which are not integrated. We must do more if we are to obtain the real benefits of information age government, for better service delivery, better procurement and more efficient working.

What must change

5. The Government must bring about a fundamental change in the way we use IT. We must modernise the business of government itself – achieving joined up working between different parts of government and providing new, efficient and convenient ways for citizens and businesses to communicate with government and to receive services.



IT will:

- *make it easier for businesses and individuals to deal with government.*
- *enable government to offer services and information through new media like the Internet or interactive TV.*
- *improve communications between different parts of government so that people do not have to be asked repeatedly for the same information by different service providers.*
- *give staff at call centres and other offices better access to information so that they can deal with members of the public more efficiently and more helpfully.*
- *make it much easier for different parts of government to work in partnership: central government with local authorities or the voluntary sector; or government with third-party delivery channels such as the Post Office or private sector companies.*
- *help government to become a learning organisation by improving our access to, and organisation of, information.*



Support for local communities and the voluntary sector

*Voluntary groups and small businesses in Brixton are being helped to get on to the Internet by **Brixton Online**, a community based not-for-profit group. It provides low cost Internet training in conjunction with local Internet access points. It is developing a local learning network and helping small businesses use e-commerce technologies. Brixton Online is working in partnership with local business and Lambeth Borough Council.*

6. Society is not homogeneous. Government exists to serve those who feel excluded from developments in information technology just as much as it serves those who embrace the new technology. The information age should increase the choice of how citizens and businesses receive services, not restrict it. The Internet, interactive TV and touchscreen delivery should take their place alongside more innovative use of the telephone, the call centre and the paper document, not replace them; nor should face to face contact be replaced where that is what is needed. **We will develop targeted strategies to ensure that all groups have proper access to information age government.**

Making a start

A corporate IT strategy for government

7. We are developing a **corporate IT strategy for government**. IT systems have tended to be developed separately by different public service agencies; we need now to encourage them to converge and inter-connect. This will focus on the needs of citizens and businesses and will encourage wider choice on how public services should be provided. It will maximise the benefits to both central and local government of a more co-ordinated approach to information technology procurement. In taking it forward we will work in partnership across the public sector and with the private sector. Through the strategy the Government will:

- set key objectives for managing, authenticating and identifying data, using commercial open standards wherever possible.
- establish frameworks for specific technologies where stronger co-ordination is needed.
- ensure that government acts as a champion of electronic commerce.



E-commerce

By 2002, UK businesses and customers will be working in the best economy in the world for electronic trading. E-commerce is revolutionising the commercial world, offering greater choice to consumers, and greater access to markets for suppliers. In March 1999, the Government published a consultation paper proposing legislation for building confidence in e-commerce, and will be publishing a Bill after Easter.

- ¥ use the Government Secure Intranet (GSI) to boost cross-departmental working and to make the public sector work more coherently.
 - ¥ strengthen the protection of privacy and human rights while providing a clear basis for sharing data between departments.
8. In taking forward this strategy, we will :
- ¥ designate a senior official at board level within each Department to champion the information age government agenda within the Department and its agencies.
 - ¥ benchmark progress against targets for electronic service delivery, and against the best performance in the private sector and in other countries.
 - ¥ continue to work closely with business, both bilaterally and through the Information Age Partnership and associated groups.
 - ¥ incorporate information age government objectives into the approach for Best Value and beacon councils, and into agency framework documents.
 - ¥ align expenditure which supports IT investment from the Invest to Save Budget and the Capital Modernisation Fund with the strategy.
 - ¥ set a target that by the end of the year all Departments should be participating in the Government Secure Intranet. We will establish secure onward links to local authorities, hospitals and post offices. We will provide the IT base for government to work as a learning organisation and develop a range of applications on the GSI to support effective working across departmental boundaries. We will use the GSI as a platform for management of electronic government records.

Electronic services for citizens and businesses

9. The Government is taking specific actions to **develop information age government through IT** in a number of areas. In many cases this is allowing public services to be delivered 24 hours a day, seven days a week. We will continue to promote initiatives to modernise services in accordance with the needs of citizens and businesses.

For example:

- ¥ the NHS will use IT to transform the way health services are delivered. NHS Direct will achieve national coverage by the end of 2000.
- ¥ from 2000, individual taxpayers and businesses will be able to make income tax returns to the Inland Revenue and register for VAT with Customs & Excise over the Internet. In the Budget, the Government announced that there would be a discount for small businesses which make their tax returns electronically.
- ¥ citizens and businesses in Northern Ireland, will be able to use an integrated service for vehicle testing, licensing and insurance which is being established in partnership with the insurance industry.





Better health services through the NHS

From the end of April 1999, 20 million people will be able to call NHS Direct for healthcare advice from experienced, qualified nurses. NHS Direct will work in partnership with other local services to provide advice to callers about getting the right level of care.

Some healthcare professionals are now able to deliver quicker test results, up-to-date specialist advice and even online booking of appointments through NHSnet. They will, later this year, also get access to a wide range of health information through the National Electronic Library for Health.

Better service for taxpayers

Taxpayers whose affairs are handled by the Inland Revenue Centre at East Kilbride can expect a great improvement in the service they receive. In February 1999, the Inland Revenue opened its first dedicated call centre in East Kilbride, which will conduct a wide range of business for 2 million employees and pensioners. Access to a faster and more convenient service for the customer is accompanied by increased efficiency for the Inland Revenue. Alongside the call centre is an incoming-mail room which will also handle all the postal interactions with customers in the area, and a one-stop shop handling 33,000 visits a year. This separation of roles will allow the 'customer facing' office to focus solely on providing excellent service to the customer, while the 'back office' can focus on efficient processing of data.

National Grid for Learning

More and more people are able to access information on a wide range of educational resources through the National Grid for Learning. The Grid is the national focal point for learning on the Internet. It is both an architecture of educationally valuable content and a programme for developing the means to access it in schools, libraries, colleges, universities, workplaces, homes and elsewhere. The National Grid for Learning initiative aims to connect all schools to the Internet by 2002. Currently, 30% of primary schools, 90% of secondary schools and 45% of special schools in England have some form of Internet access. The Grid was launched in November 1998 by the Prime Minister. The National Grid for Learning site and its partners offer some 50,000-60,000 pages of material, and more is available each week. The site is currently being accessed on average over 75,000 times a day.

University for Industry

Individuals and businesses will soon have access to a wealth of lifelong learning resources through the University for Industry, a new kind of organisation for open and distance learning. Using modern information and communications technologies, it will broker high-quality learning products and services and make them available at home, in the workplace and at learning centres country-wide.



*Llandough Hospital
and Community NHS
Trust.*

*Darlington College
of Technology.*





ACCORD

ACCORD is the DSS programme for the next generation of IT. It will be central to modernising social security services at the turn of the century. At present, DSS assesses claims and holds information benefit by benefit on a series of administrative chimneys each with its own IT system. Information is duplicated and inconsistent. We ask people repeatedly for the same details, creating opportunities for fraud and abuse. ACCORD will bring together the data for delivering services. It will provide single accounts for social security customers and integrated modern systems that staff need to deliver high-quality, joined-up, service.



Information age services for Post Office customers

The Post Office will be equipped with a modern on-line IT platform to facilitate electronic provision of government services across post office counters.



Electronic public records

The Public Record Office is leading a strategy across government for managing and accessing archives, using modern IT to support service delivery and accountability. It is our aim that by 2004 all newly created public records will be electronically stored and retrieved.

By the end of 1999, all the Public Record Office's research information will be available to the public electronically.

Partnership



10. We set out our plans to transform local government in the White Paper *Modern Local Government In Touch with the People*. We will expand on these by establishing a **Central/Local Information Age Government Concordat**, which will encourage innovation and co-operation between central and local service providers. It will drive up technology standards across the public sector.



11. We are also looking at how the public service can work in partnership with the private sector and voluntary organisations to deliver public services in innovative ways. We are talking to banks, the Post Office, supermarkets, accountants, interactive broadcasting companies, the information technology industry and others about how they can be partners in service delivery. Alongside this White Paper, the Central IT Unit of the Cabinet Office is publishing on the Internet a fuller description of this work.



On-line services for citizens in Cambridge

Cambridge Online is a community information service providing on-line information and services to anyone living or working in or around Cambridge. Membership includes shops, businesses, community groups, charities and Cambridge residents from all walks of life.

Cambridge Online provides e-mail facilities, help in creating web pages and access bulletin boards, on-line chat and conference channels. It gives access to up-to-date news about local government, local events and services; and advertises job vacancies for the County Council, neighbouring local authorities and charities funded by the County Council.

Future action

Information age government for citizens and business

By 2002, the Government intends, as a minimum, that citizens will be able electronically to:

- *book driving and theory tests.*
- *look for work and be matched to jobs.*
- *submit self-assessment tax returns.*
- *get information and advice about benefits.*
- *get on-line health information and advice.*
- *use the National Grid for Learning.*
- *apply for training loans and student support.*

Business will be able electronically to:

- *complete VAT registration and make VAT returns.*
- *file returns at Companies House.*
- *apply for regional support grants.*
- *receive payments from government for the supply of goods and services.*

Framework policies across government

12. The Government will take forward its vision of information age government further by publishing a range of new frameworks across government to cover:

- **data standards.** We will put in place on the Government Secure Intranet standard definitions and programming tools to allow Departments to develop new systems in a consistent and standardised way, and to present the data they already hold in a common way.
- **digital signatures.** These can provide a means of identification and authentication when conducting business with government. We will legislate to ensure legal equivalence between digital and paper and pen signatures and work with financial institutions and others so that their digital signature products can be used to enable government transactions.
- **call centres.** A common approach to how people identify themselves when dealing with government call centres.
- **smartcards.** These can carry digital signatures and are increasingly capable of supporting many functions on the same card. We are working with banks and other partners to make them available for dealings with government. We will publish a framework for their use in support of service delivery across government.
- **digital TV.** How government should best develop services and information for delivery using digital TV.
- **web sites.** To bring about a more coherent approach to the use of web sites for giving information and eventually delivering services, we will publish guidelines for government websites by November 1999. We will relaunch the site www.open.gov.uk so that it provides easier access to information and an updated search facility.

- **government gateways.** In the longer term, we aim to link the widest possible range of government services and information through electronic government **gateways** (or portals). Government agencies and Departments hold very large amounts of data. The variety of systems, some of them now old, makes accessing that data efficiently a key problem. Projects, such as the Department of Social Security's **ACCORD**, have begun to address these issues. We will build on this experience to manage information in support of better service delivery. A prototype government portal will be developed this year.
- **better on-line services for businesses.** The Government intends to make information about regulations more accessible from a single source and to increase greatly the scope for businesses to respond electronically to demands for information from government. This initiative will be taken forward by the new Small Business Service. We are funding a study into the development of a **single business register** from the Invest to Save Budget to provide electronic identification of businesses for their dealings with government.

Financial transactions between citizens and government

13. New technology provides an opportunity to simplify the increasingly complicated set of **financial transactions between citizens and government**. The closer integration of the tax and benefit systems, the development of a range of accounts to pay for training, and the creation of the Single Work-Focused Gateway, set new challenges. The Government will ensure as simple a set of transactions for the citizen as possible, avoiding duplication of effort by Departments and achieving best value for our investment. We will explore how we might promote social inclusion by encouraging greater use of the banking system. In support of these aims we propose:

- to promote access to and use of personal accounts, managed by banks and other institutions, by as broad a section of society as possible.
- to adopt as an aim across government that payments should usually be made into an account of the citizen's choice.
- to examine whether greater data sharing between Departments, agencies and local government will help them to provide easier financial dealings with citizens.

Privacy

14. There is concern that information technology could lead to mistaken identity, inadvertent disclosure and inappropriate transfer of data. The Government will address these concerns and will demonstrate our belief that **data protection is an objective of information age government, not an obstacle to it**.

On privacy, the Government will:

- *work closely with the Data Protection Registrar to ensure that privacy implications of electronic service delivery are fully addressed.*
- *carry through our commitment to openness, so that the citizen has relevant information about our initiatives as they are developed and implemented.*
- *promote specific codes of practice, on a departmental or inter-departmental basis, for information age government.*
- *benefit from the Data Protection Registrar's powers to conduct independent assessments of the processing of personal data.*
- *deploy privacy-enhancing technologies, so that data is disclosed, accessed or identified with an individual only to the extent necessary.*
- *provide a proper and lawful basis for data sharing where this is desirable, for example in the interest of improved service or fraud reduction consistent with our commitment to protect privacy.*

Electronic delivery

15. The Prime Minister announced in 1997 that, **by 2002, 25% of dealings with Government should be capable of being done by the public electronically.** Progress towards this target will be published on a six-monthly basis from May 1999 on www.citu.gov.uk. The target has been included in Departments' Public Service Agreements. Each Department's target will be reviewed on the basis of its returns for the May report. Where a target is insufficiently challenging it will be revised. We have also set a target that, by March 2001, 90% by value of low value purchases by central government should be carried out electronically.

16. The Government's aim is to ensure that the UK is at the forefront of international best practice. **We will set new targets beyond 2002.** Before we set the target for 2005, we will ask Departments to identify processes that for operational or policy reasons are incapable of delivery electronically, or for which there is genuinely unlikely to be demand. Those excepted, we propose **that 50% of dealings should be capable of electronic delivery by 2005 and 100% by 2008.** We believe that all local authorities should set and publish their own targets for electronic delivery and will begin discussions with the Local Government Association in order to bring this about. We are also monitoring the progress Departments are making to deliver information age government in an integrated way. Details of this work are on www.citu.gov.uk.

17. We know that we cannot picture now exactly what information age government will look like in 2008. The pace of technological change is fast and exhilarating. Business will be transformed by e-commerce. Before 2008, there will be further technological break-throughs which cannot be foreseen now. (In 1978, some commentators might not even have predicted the personal computer, let alone the Internet.) The Government's strategy must be flexible enough to take advantage of such developments, rather than locking citizens, business, government and our partners into rigid structures which may be overtaken.

18. But we can reasonably predict some of the elements which are likely to contribute to achieving the 100% target by 2008. **Here are ten drivers of information age government:**

- **Household access to electronic services** through developments such as interactive TV. But there will also be a very wide range of public access points, with advice on hand.
- Much more **user-friendly, inexpensive, and multi-functional technology** as TV, telephones and broadcasting converge.
- As part of this, **less dependence on keyboard skills** as remote control pads, voice command, touch screens, video-conferencing and other developments make it easier for users to operate and benefit from new technology. But other skills will be built up in schools, in the workplace, and across the community.
- Continuing **dramatic increases in computing power**, and in the power of networked computing, together enabling government services to be delivered more conveniently, accurately, quickly and securely.
- Wide scale take-up of **multi-purpose smartcards**, with which citizens can identify themselves, use services, safeguard their privacy and, increasingly, make and receive payments. Cards will also evolve into still more powerful technologies.
- Government **forms and other processes which are interactive**, guided by on-line help and advice, and collect all the necessary information in one go.
- **Smarter knowledge management** across government, which increasingly enables government to harness its data and experience more effectively, and to work in new ways.

- **Use of government web sites** and other access points as single gateways, often structured around life episodes, to a whole range of related government services or functions.
- **Repackaging of government services or functions**, often through partnerships with the private sector, local government or the voluntary sector, so that they can be provided more effectively.
- **Flexible invest to save approaches**, where the huge potential of new technology to increase efficiency is used imaginatively to fund better-designed processes.

19. Such developments will not limit choice, end face-to-face dealings or invade the privacy of the individual. Nor will they, in themselves, turn the complex issues which citizens and businesses face in the real world into simple ones, although they can radically improve services such as medical advice, education and training and crime reduction. Nevertheless, the potential for change is vast. **There is no good reason why, by 2008, it should not be as simple and easy to do many of the main dealings with government as it is today to make a phone call or choose between TV programmes.**

20. This vision must be turned into reality. We will build on the planned examples of electronic services in paragraph 9 by ensuring that an increasing number of services are capable of being delivered electronically in the next few years. In terms of implementation, the key elements are as follows:

- **A route map** and a set of **strategic enablers** will be provided by the corporate government IT strategy, together with the frameworks for data standards, digital signatures, call centres, smartcards, digital TV, web sites, government gateways and privacy, envisaged in this White Paper.
- Information age government services and other processes are likely to develop increasingly around **clusters of related government functions** aligned to the needs of citizens and businesses. As part of this, more services will become available 24 hours a day, seven days a week.
- This will be given impetus by **stronger central co-ordination**, to ensure that best practice and consistent standards are applied across government, that all the government bodies with an interest in a particular set of services come together to talk to potential partners, and that they promote compatibility across IT systems and data sets.
- **Progress against targets** will be regularly **monitored and reported**. At the same time, it is important that targets should not be viewed narrowly or purely incrementally. It will be necessary to plan further ahead to make the most of the opportunities for working across boundaries, partnership and service integration.
- Close **consultation and benchmarking** will continue with international, private sector and other colleagues. It is essential that the strategy should be implemented in ways which take full account of the changing environment and enable government to learn continuously from best practice elsewhere.
- **Market research** and **user feedback** will improve the design and organisation of services and other processes, and focus them more firmly on citizens and businesses.

6. Public service



6. Public service:

We will value public service, not denigrate it

1. The Government is committed to public services and public servants. But, as we have said elsewhere in this White Paper, that does not mean an unchanging public service, a public service at any price. We have set out in chapter 4 how we will reward success, but not tolerate mediocrity. This means the public service must operate in a competitive and challenging environment. Public services and public servants must strive to be the best, and must make the best better still.
2. The Government has a particular responsibility as employer. We will value the public service and make sure that it is properly equipped to rise to the challenge and properly rewarded when it does well. We will create a civil service for the 21st century. We must build the capability to change, and ensure that we have the leadership to bring it about.
3. The Government has transformed the way it works with the public service trade unions. We recognise the contribution they can and do make to achieving shared goals. We will continue to work in partnership with them.

Identifying the problem

4. Public service has for too long been neglected, undervalued and denigrated. It has suffered from a perception that the private sector was always best and the public sector was always inefficient. The Government rejects these prejudices. But their legacy remains.
5. Despite that, public services have responded. The reforms of the last two decades in the civil service, for example, have done much to develop a more managerial culture. The quality of management has improved, there is a better focus on developing people to deliver improved performance and there is greater professionalism.
6. But the world is changing rapidly and the demands placed on public servants are changing too. There is a wealth of goodwill and ability to build on. And we must not jeopardise the public service values of impartiality, objectivity and integrity. But we need greater creativity, radical thinking and collaborative working. We must all, both the politicians elected by the people and the officials appointed to serve, move away from the risk-averse culture inherent in government. We need to reward results and to encourage the necessary skills.

What must change

7. The public service must be the agent of the changes identified throughout this White Paper. To do this it must have a culture of improvement, innovation and collaborative purpose. We will invest in public servants so that they have the skills and the opportunity to perform to the standards required. And we will remove unnecessary bureaucracy which prevents public servants from experimenting, innovating and delivering a better product.

8. If staff are to adopt new ways of working and a culture of continuous improvement, they must be rewarded for doing so. We must provide incentives for innovation, cross-cutting thinking, collaborative working and excellent service delivery. We must revise the core competencies for staff and appraisal systems to reflect the qualities we seek.

9. The Government must create an environment in which more of the brightest and best of each generation want to work in the public service. Public services must strike the right balance between identifying and bringing on internal talent and recruiting skills and experience from outside. Too much existing talent is wasted. Staff must not be denied the opportunity to demonstrate their potential and should be given sufficient responsibility at an early stage. We must identify the most talented early on, give them the opportunity to shine and promote the best much more quickly. We must also bring in new talent. Public services are, and will remain, for many people employers which provide a long-term career for those who want it and are able to meet the constantly changing demands. We want the civil service to reinforce its efforts to be more open and to recruit more experience, skills and ideas from outside. This must happen at all levels. We must be more flexible in bringing people in for short periods to provide specific skills for a particular policy area or project.

10. We must get more movement within the public service and with other sectors. There has been a long, and respectable, history of interchange between the civil service and other sectors. We must now change gear. We must do more to increase the number of secondments and involve people from other organisations in projects. We must review the current interchange targets and change them and provide new incentives and mechanisms to achieve them.

11. We must achieve greater diversity within the public service so that it can meet the varying needs within our diverse society.

Making a start

12. The Prime Minister set out seven challenges for the civil service at a conference in October 1998. In January 1999, at the Charter Mark Award ceremony, he began a dialogue with public servants more generally, on recruitment, retention and motivation.

Seven challenges for the civil service

- *Implementing constitutional reform in a way that preserves a unified civil service and ensures close working between the UK government and the devolved administrations.*
- *Getting staff in all Departments to integrate the EU dimension into policy thinking.*
- *Focusing work on public services so as to improve their quality, make them more innovative and responsive to users and ensure that they are delivered in an efficient and joined up way.*
- *Creating a more innovative and less risk-averse culture in the civil service.*
- *Improving collaborative working across organisational boundaries.*
- *Managing the civil service so as to equip it to meet these challenges.*
- *Thinking ahead strategically to future priorities.*

A learning organisation: training and development

13. The public service must become a learning organisation. It needs to learn from its past successes and failures. It needs consistently to benchmark itself against the best, wherever that is found. Staff must be helped to learn new skills throughout their careers.



Centre for Management and Policy Studies

The new Centre for Management and Policy Studies, which will incorporate the Civil Service College, will:

- be responsible for corporate civil service training and development.*
- ensure that the current and future leaders of the civil service are exposed to the latest ideas and thinking on management and leadership.*
- keep abreast of the latest developments in public governance and management, and act as a repository of best practice.*
- work closely with research and evaluation units in Departments to develop and strengthen policy evaluation capacity and co-ordinate evaluations of cross-cutting policies.*

14. New institutions and arrangements have been developed to train leaders and staff in the public sector. The Local Government Association has set up the Local Government Improvement and Development Agency, and there will be an equivalent body in Wales; the civil service is setting up a new Centre for Management and Policy Studies, incorporating the Civil Service College; the Department for Education and Employment is setting up the new National College for School Leadership; and the Armed Forces now have a new Joint Services Command and Staff College. They have a vital role to play – working jointly more than they have done in the past – if staff are to be equipped to meet the challenges of delivering the agenda in this White Paper.

15. The civil service is committed to a target that all its organisations become accredited Investors in People by 2000. To date, 40% of civil servants work in such organisations. This is an important element of our commitment to lifelong learning. We must ensure that the civil service meets and exceeds the new National Learning Targets for qualifications.

16. All parts of the public sector have National Training Organisations apart from the civil service. We have applied to establish a Central Government National Training Organisation to develop and maintain a corporate strategy for training and development.

Motivating and involving staff

17. Those who have experience of implementing policies have much to contribute to policy making. This is both motivating for staff and valuable in formulating deliverable policies. We want staff at all levels to contribute to evaluating policies and services, and to put forward ideas about how they might be improved. Ministers have not been surprised to find during workshops and other discussions that front-line staff have many innovative ideas. But, through bureaucracy and an attachment to existing practices for their own sake, we have too often stifled initiative and have discouraged staff from putting ideas forward.

*Canterbury City Council
– Housing Department.*

*Hampshire County
Council – Basingstoke
Information Centre.*





The NHS National Taskforce on Staff Involvement:

As part of its commitment to strengthen staff involvement in the NHS, the Government appointed a National Taskforce to look at successful approaches to involving front-line staff in shaping patterns of health care and to make recommendations for action. The 13-strong Taskforce was drawn from a wide cross-section of NHS staff. It includes two nurses, two doctors, a porter, a scientific officer, two managers and an NHS Trust chairman – plus a national trade union officer, an academic and a senior manager from industry. It has consulted widely in the NHS and it has drawn on experience and best practice from both inside and outside the NHS. Its recommendations are now with Ministers and the government response will be published shortly.

18. We have made a start in dismantling these impediments to innovation in our action zones for health, education and employment.

Public sector pay

19. Pay is important to public servants just as it is to other people in society. Public servants must be rewarded fairly for the contribution they make. We must make sure that our approach to pay encourages more of the best people to join and stay.

20. This can be done in a number of ways:

- **Reforming outdated systems.** Inflexible and inefficient practices in pay and conditions must be reformed so that pay can be tailored to the needs of the public service and provide suitable incentives for staff. This means challenging outdated assumptions about public sector pay – for example the idea that ‘fair pay’ means everybody should get the same increase, or that pay and conditions must all be set nationally.

Modernisation of the NHS pay system:

The Government published its proposals for modernising the NHS pay system in February 1999. We aim to create a pay system which:

- *enables staff to give their best for patients, working in new ways and breaking down traditional barriers.*
- *pays fairly and equitably for work done, with career progression based on responsibility, competence and satisfactory performance.*
- *simplifies and modernises conditions of service, with national core conditions and considerable local flexibility.*



We are making progress on pay reform in various parts of the public sector.

Our Green Paper on the teaching profession, *Meeting the Challenge of Change*, set out ambitious proposals for restructuring teachers’ pay to improve standards in schools. The Department of Health’s recent *Agenda for Change in the NHS* similarly proposed wide-ranging changes to pay designed to improve patient care. These include simplified national pay spines and greater flexibility for local managers to set pay and conditions according to local needs. Local government has reached an agreement on single status pay, paving the way for removing outdated divisions and demarcations between jobs and functions, which delivers local flexibility within a national framework. The Armed Forces will have a new pay system in 2000. And simplified pay and grading structures have been introduced across the civil service. We must build on these developments elsewhere.

- **Recruiting and retaining staff.** Public sector employers must be allowed to recruit, retain and motivate staff with the right skills to do the job. Many parts of the public sector have no difficulty attracting and keeping staff, but there are some areas which do, such as the teaching and nursing professions. The Government is tackling these, both in the pay awards we made earlier this year and through pay reform. We are revising pay scales and introducing new grades – advanced skills teachers and nurse consultants – so that more skilled people can stay in the front line. There may be other areas where we need to pay more to recruit and retain the right staff. These must be carefully identified and clearly targeted.
- **Making best use of non-pay incentives.** Non-pay incentives are often just as important in staff recruitment and motivation as pay. Such incentives may take many forms: better training and development opportunities, good career prospects, opportunities for career breaks, improved working environment, flexible working, family-friendly working practices, recognition in the form of national awards and honours or local workplace schemes. We need to ensure that these are used effectively to attract and reward staff.
- **Rewarding results and performance.** A person's pay should reflect their output, results and performance. This means the best performers – both individuals and teams – and those who contribute most, should be best rewarded. We should challenge systems which give automatic pay increases to poor or inefficient performers. This is why the teaching Green Papers have proposed new performance management arrangements for teachers, movement along pay scales linked to performance, and a new performance threshold giving access to higher pay in cases of high and sustained levels of achievement.

21. The Government is reviewing the way delegated pay and grading systems operate in the civil service. It is clear that performance management is not effective enough. The links between pay and objectives are not always clear. We must use our pay systems – and performance pay in particular – in creative ways to provide effective incentives to achieve sustained high quality performance and to encourage innovation and team-working.

Diversity

22. The public service has a strong tradition of fairness. It is committed to achieving equality of opportunity. But we must accelerate progress on diversity if this country is to get the public service it needs for the new millennium.

23. The public service must be a part of, and not apart from, the society it serves. It should reflect the full diversity of society. At present it does not. Women, people from ethnic minority groups and people with disabilities are seriously under-represented in the more senior parts of the public service.

24. Addressing this is a top priority. The Government wants a public service which values the differences that people bring to it. It must not only reflect the full diversity of society but also be strengthened by that diversity.

25. We have recently launched, with the civil service trade unions, a Joint Charter to address under-representation of ethnic minorities at senior levels. We are also setting targets for women, ethnic minorities and people with disabilities in the senior civil service. And we are requiring Departments to set targets at levels below this.



Targets for 2004/05

- 35% of the senior civil service (the most senior 3,000 civil servants) will be women. In 1998 the figure was 17.8%.
- Women will fill 25% of the top 600 posts. (What happens at the very top of the civil service is critical for the tone it sets the rest). In 1998, the figure was 12.7%.
- 3.2% of the senior civil service will be from ethnic minority backgrounds. In 1998, the figure was 1.6%.
- An equivalent target for the senior civil service for people with disabilities will be set later in the year.

26. The Government is determined to address the current inequalities in all public services. We must ensure that all public servants and all those we would like to come and work in the public service are treated fairly. They must believe that, irrespective of their backgrounds, they will have a full opportunity to contribute, thrive and progress on the basis of what they bring, the potential they show, and most importantly, what they achieve.

27. Tackling under-representation alone is not enough. A truly effective diverse organisation is one in which the differences individuals bring are valued and used. Currently, we tend to minimise differences and to expect everyone to fit into established ways of working. We should not expect them to. We should be flexible to allow everyone to make the best contribution they can. This has to be reflected in our ways of working, our personnel practices, the way managers manage.

28. There has to be a change of culture. This needs to be led from the top and driven throughout the organisation. The Home Office, the Inland Revenue and Customs & Excise are conducting pilot exercises into how to change culture in this way. We will ensure that the lessons are applied throughout the civil service.

Family-friendly employer

29. The consultation paper on the family *Supporting Families* included our proposals to work closely with employers and other organisations on an awareness and promotional campaign on family-friendly employment practices. The Government itself is determined to be a family-friendly employer. The civil service has a good record, but we can do still better.

Public appointments

30. More than 100,000 people participate in public life through service on the boards of NHS Trusts and advisory and executive bodies. Thousands more act as school governors, magistrates and in a range of other local roles. Involvement in public bodies provides accountability, a wider range of expertise, and allows individuals themselves to play an important and constructive part in local communities. All public appointments should be made on merit.

31. The Government will improve access to public appointments. We are committed to ensuring that public appointments are open to a wide field of candidates so we can draw on the widest possible range of expertise and backgrounds. Potential candidates must be given the opportunity to register an interest and to apply for any vacancies.

32. The Government is committed in principle to equal representation of women and men in public appointments, and pro rata representation of members of ethnic minority groups, on the basis of merit. Last year, according to the independent Commissioner for Public Appointments, women made up 39% of ministerial public appointments and members of ethnic minority groups 7.1%.



Future action

33. To drive forward its vision of how the public service should be equipped for the future, the Government will:

- take forward the debate started by the Prime Minister into how we can equip the public service for the 21st century. The debate must continue to address our approach to public sector pay and conditions of service - how we can best provide flexibility for employers to match pay to the needs of the organisation and to recruit the staff they need, linking pay to outcomes and achievement, rewarding excellence, eliminating inefficiencies, and combining these practices with a creative approach to financial and non-pay incentives.
- publish each year departmental action plans setting out how our commitment in principle to equal representation of women and men in public appointments, and pro rata representation of members of ethnic minority groups, will be delivered in practice.

34. The Government will also drive forward its commitment to involving and motivating staff by setting up 'Learning Labs' at local level as well as nationally. Public servants often know how to overcome problems and inefficiencies, but are held back by red tape and established procedure. Our new scheme will encourage the public sector to test new ways of working by suspending rules that stifle innovation. It will encourage public servants to take risks which, if successful, will make a difference. It will also ensure that successful innovations can be spread around the public service.

35. The Government will take action to strengthen its capacity at the centre to identify and bring into public appointments people of talent and experience.

36. The Government will take the following steps to develop a civil service for the 21st century:

- We will bring more people into the civil service from outside. We will hold more open recruitment competitions for people at various career stages. We will make greater use of short-term contracts. We will increase secondments to and from the rest of the public sector, the voluntary sector and the private sector.
- We will make sure that the commitments to mobility between Departments are delivered. We will identify and remove the barriers to mobility and Departments will be required to set targets, not just for the senior civil service, as now, but also for staff at more junior levels.
- We will review our recruitment criteria to reflect current and future needs more closely. We will make it easier for people who want to join the civil service to find out about opportunities and to apply for them.
- We will create opportunities for able, younger staff to be promoted to senior positions more quickly. We will seek to increase participation in existing staff development schemes such as the in-service Fast Stream Development Programme and departmental schemes for under-represented groups. We will develop a new scheme for those who show the most potential for early promotion. This will offer both training and experience in a range of jobs across the service and in the wider public sector and outside government.
- We will ensure that personnel systems provide incentives for innovation, collaborative working and excellent service delivery.



- We will make performance pay systems effective both as a reward for high-quality delivery and as an incentive to change behaviour. We will foster innovation and continuous improvement of services in the public sector by rewarding staff who suggest ideas that lead to savings or better services. Government Departments and agencies will introduce schemes which reward staff with a sliding scale percentage of any savings or improvements made as a result of their suggestions.
- We will create positive incentives for success at organisational level too. So we will look for new ways of rewarding organisation performance and success-sharing, for example by using team bonuses or by linking pay, bonuses or other rewards to the achievement of performance or efficiency improvements.
- We will set targets to eliminate the under-representation of groups such as women, ethnic minorities and people with disabilities and change the culture so as to tackle inequality.
- We will train staff in new ways of working and equip them with the skills to meet changing demands.

37. The Government will publish a substantial progress report in the autumn on modernising the civil service.

38. If staff at all levels across the public service are to work more closely together, we must ensure that their institutions facilitate greater interchange, closer co-operation on delivery and joint learning. We will achieve this in two ways:

- The institutions and arrangements for training staff, e.g. the Local Government Improvement and Development Agency, the Centre for Management and Policy Studies and the National College for School Leadership, must work together to share best practice across all the public sector and to learn from each other.
- We will set up, before the summer, a Public Sector Employment Forum bringing together key players from the NHS, education, local government, the civil service and other public sector bodies to exchange experience and work together on issues like career management, identifying potential, performance management, joint training, joint graduate development and joint activity in the recruitment market.

39. We will continue to work closely with the public sector trade unions to achieve our shared goals of committed, fair, efficient and effective public services.

40. All this requires strong leadership from the top and from all public service managers. In the civil service we will ensure that Permanent Secretaries and Heads of Department have personal objectives, on which their performance will be assessed, for taking forward the Government's modernisation agenda and ensuring delivery of the Government's key targets.

Conclusion

1. This White Paper sets out a long-term programme of change – change in the way government makes policy, in the way services are delivered, in the way government uses technology and in the way the public service is valued. It will involve everyone working in the public services, and everyone who uses public services.
2. In the period ahead, the Government will set milestones to chart our course and success criteria so that the users of public services can judge whether the modernisation programme is working. We will report annually on progress.
3. The White Paper was prepared after discussions with many people in the public service and outside. Carrying on this debate is part of taking forward this work. Comments on the modernising programme can be sent in writing to the

Modernising Government Secretariat

Cabinet Office

Horse Guards Road

LONDON SW1P 3AL

or by e-mail to Moderngov@gtnet.gov.uk

Appendix



Websites Links

You can find out more about some of the initiatives mentioned in the White Paper on the following websites:

Page 17:

Comprehensive Spending Review White Paper

<http://www.hm-treasury.gov.uk/pub/htm/csr/index.html>

Sure Start <http://www.dfee.gov.uk>

Page 18:

Social Exclusion Unit <http://www.cabinet-office.gov.uk/seu>

Women's Unit <http://www.cabinet-office.gov.uk/womens-unit>

Crime reduction strategy <http://www.homeoffice.gov.uk/crimprev/cpa.htm>

Page 19

UK Foresight Programme <http://www.foresight.gov.uk>

Policy Appraisal for Equal Treatment

<http://www.cabinet-office.gov.uk/womens-unit/1999/equal.htm>

Excellence in Schools <http://www.dfee.gov.uk>

Page 25:

People's Panel findings <http://www.cabinet-office.gov.uk/servicefirst/index/pphome.htm>

Page 26:

Better Government for Older People Programme

<http://www.cabinet-office.gov.uk/servicefirst/index/opmenu.htm>

Page 27:

Race relations/Race Relations Forum <http://www.homeoffice.gov.uk/reu/reu.htm>

Page 28:

New Deal for Disabled People <http://www.disability.gov.uk>

and <http://www.dss.gov.uk/hq/press/press798/206.htm>

Access Business <http://www.cabinet-office.gov.uk/bru>

Page 29:

Service First <http://www.cabinet-office.gov.uk/servicefirst>

Employment Service Direct <http://www.employmentservice.gov.uk>

New Commitment to Regeneration <http://www.lga.gov.uk>

Page 30:

Education Action Zones <http://www.dfee.gov.uk>

Public Record Office Family Records Centre <http://www.pro.gov.uk>

Page 31:

Lewisham/Camden One-Stop Shop <http://www.dss.gov.uk/cgis/ndlp/index.htm>

Veterans' Advice Unit <http://www.mod.uk>

Page 32:

Single Work-Focused Gateway <http://www.dss.gov.uk/hq/pubs/gateway/main/sum.htm>

Community Planning <http://www.lga.gov.uk>

Page 36:

Comprehensive Spending Review White Paper

<http://www.hm-treasury.gov.uk/pub/htm/csr/index.html>

Public Service Agreements White Paper <http://www.hm-treasury.gov.uk>

Page 37:

Public Audit Forum <http://www.public-audit-forum.gov.uk>

Page 38:

Consultation on reform of Deregulation and Contracting Out Act 1994

<http://www.cabinet-office.gov.uk/bru/1999/contract.pdf>

Page 39:

Public Sector Benchmarking Project <http://www.cabinet-office.gov.uk/eeg>

Page 41

Best Value <http://www.local-regions.detr.gov.uk>

Better Quality Services <http://www.cabinet-office.gov.uk/eeg/1998/quality/qualmenu.htm>

Page 42:

Charter Mark <http://www.servicefirst.gov.uk>

Land Registry <http://www.landreg.gov.uk>

Page 45:

Our Information Age White Paper <http://www.number-10.gov.uk>

Our Competitive Future White Paper http://www.dti.gov.uk/cii/elec/elec_com.html

Page 46:

Brixton Online <http://www.brixton.co.uk>

Page 47:

Consultation Paper on e-commerce http://www.dti.gov.uk/cii/elec/elec_com.html

Electronic filing of tax returns http://www.inlandrevenue.gov.uk/forms_public/index.htm

Page 48:

NHS Direct <http://www.doh.gov.uk/nhsexec/direct.htm>

National Grid for Learning <http://www.ngfl.gov.uk>

University for Industry <http://www.dfee.gov.uk>

Page 49:

ACCORD <http://www.dss.gov.uk/itsa/index.htm>

Information Age Services for Post Office customers <http://www.royalmail.co.uk>

Public Record Office <http://www.pro.gov.uk>

Modernising Local Government White Paper

<http://www.local-regions.detr.gov.uk/lgwp/index.htm>

Central IT Unit <http://www.citu.gov.uk>

Cambridge Online <http://www.cam.net.uk>

Page 56:

PM's Charter Mark speech

<http://www.cabinet-office.gov.uk/servicefirst/1999/mark/pmspeech.htm>

Page 58:

NHS National Taskforce on Staff Involvement

<http://www.doh.gov.uk/nhsexec/staffinv.htm>

Green Paper *Meeting the Challenge of Change* <http://www.dfee.gov.uk>

Agenda for Change <http://www.doh.gov.uk/nhsexec/agenda.htm>

Armed Forces pay 2000: <http://www.mod.uk>

Page 59:

Joint Charter with Trades Unions on under-representation of ethnic minorities

<http://www.cabinet-office.gov.uk/civilservice/1999/diversity/30-99.htm>

Page 60:

Public Appointments/ Commissioner for Public Appointments

<http://www.open.gov.uk/ocpa/ocpahome.htm>

Page 61:

Fast Stream Development Programme <http://www.cabinet-office.gov.uk/fsesd>

Other useful websites:

No 10 Downing Street: <http://www.number-10.gov.uk>

Cabinet Office: <http://www.cabinet-office.gov.uk>

Welsh devolution: <http://www.wales.gov.uk>

Scottish devolution: <http://www.scottish-devolution.org.uk>

Public Appointments Unit: <http://www.open.gov.uk/pau/pauhome.htm>

Public Bodies 1998: <http://www.official-documents.co.uk/document/caboff/pb98.htm>

Public Library IT Network: <http://www.lic.gov.uk>

Audit Commission: <http://www.audit-commission.gov.uk>



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Overview of the Public Policy Cycle

1.2 Introduction to public policy



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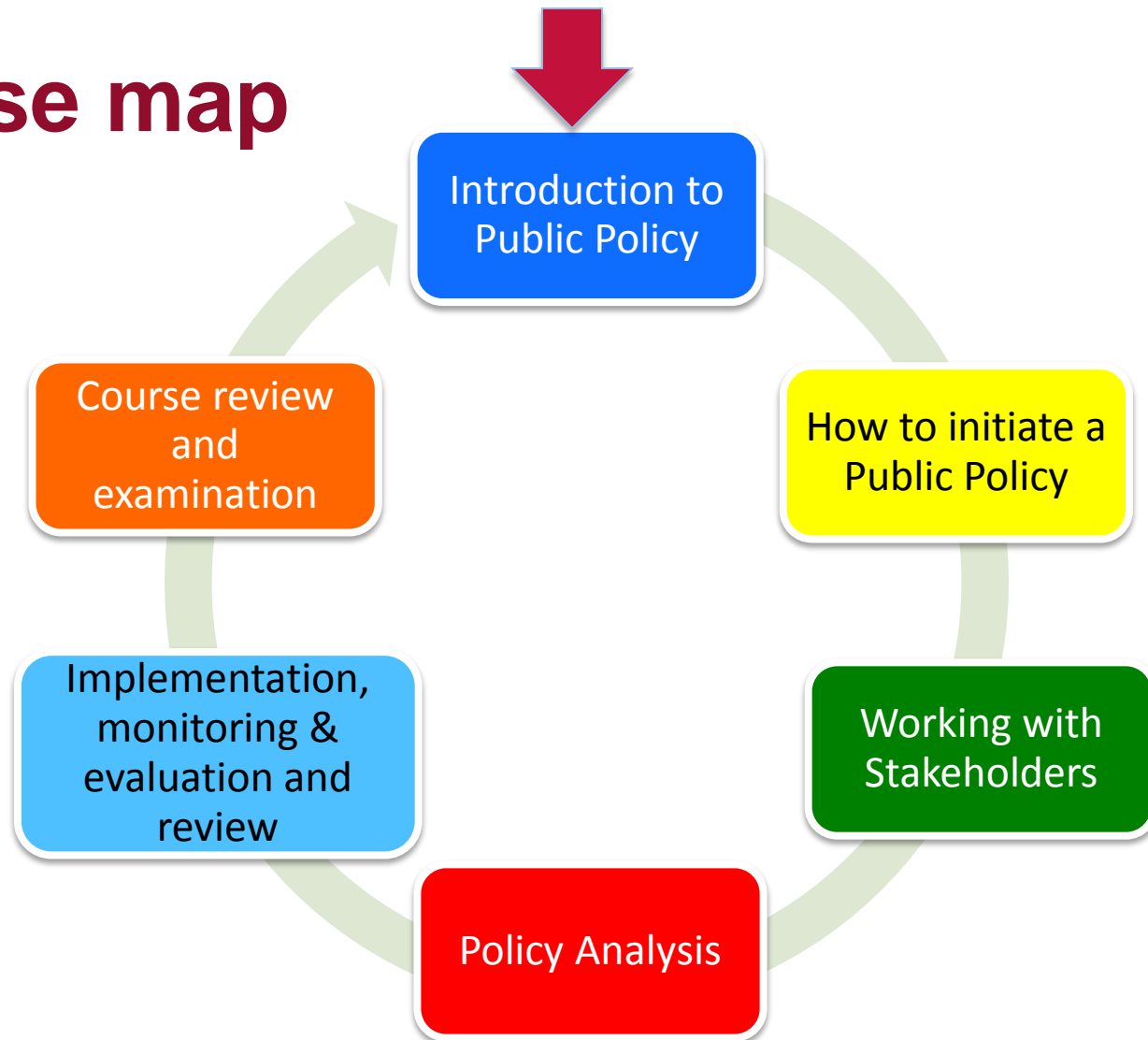
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Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that what we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team



Course map





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In the last workshop...

With the foundations of evidence-based decisions and stakeholder engagement, public policy and good governance are inextricably linked-

Public policy = good governance

Good governance = public policy

Without the foundations of evidence-based decisions and stakeholder engagement, public policy results in a failure in good governance.



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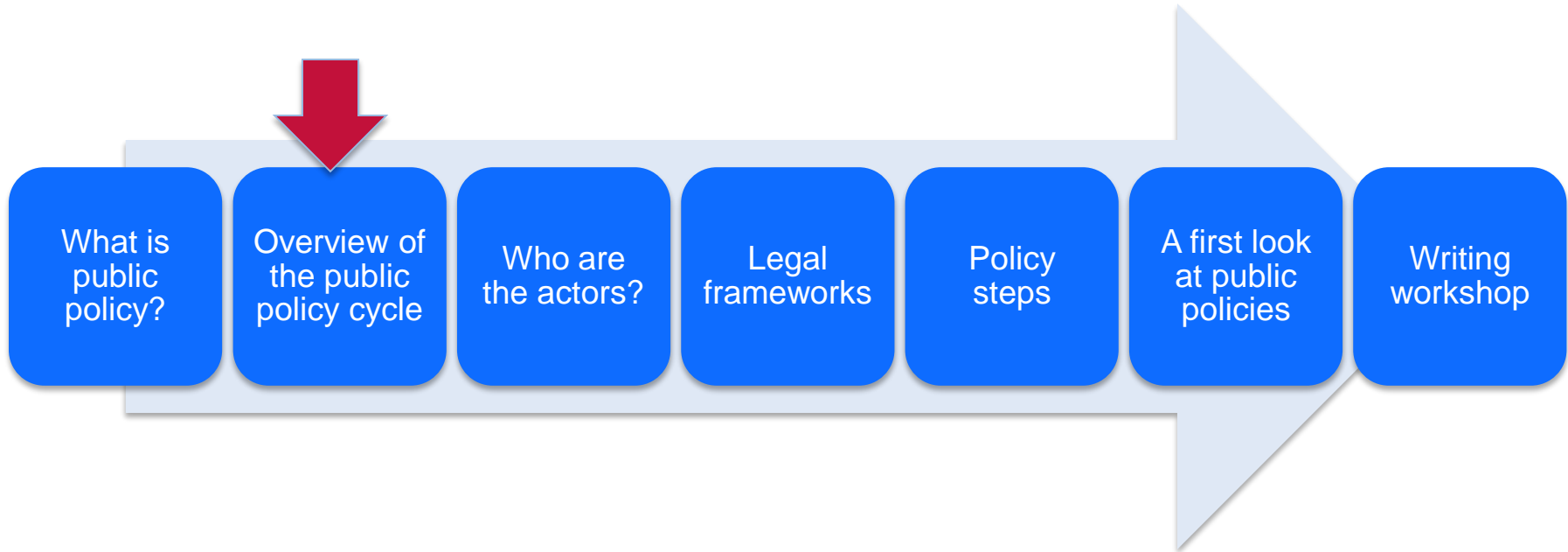
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Workshop objectives

- To introduce the concept of the policy cycle
- To outline the broad steps in the public policy process



Part 1 -Introduction to public policy



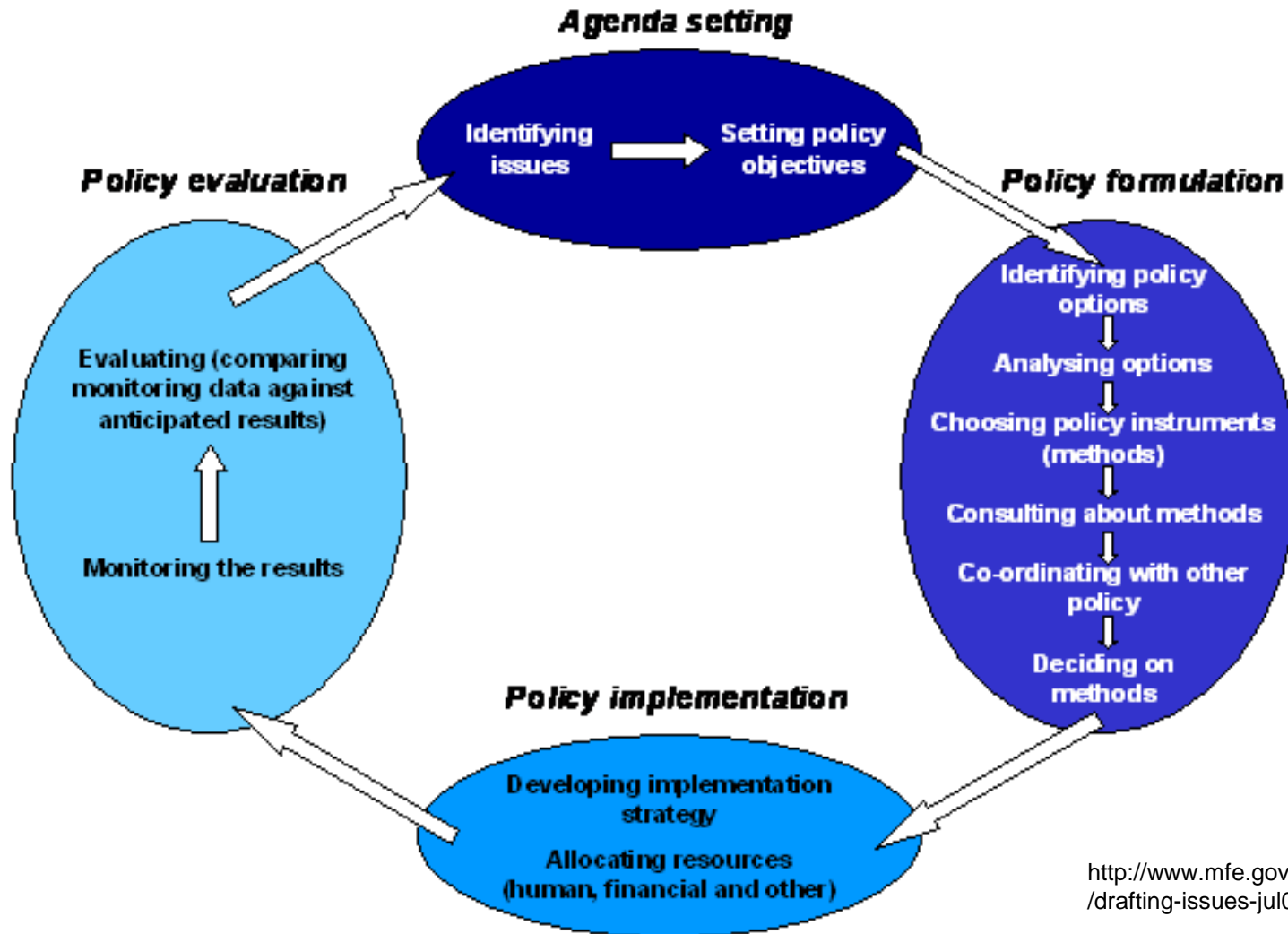


What is a policy cycle?

- A sequence of logical stages
- Each stage has specific activities
- Each stage builds on the previous stage
- Facilitates continuous improvement in each stage of the policy life cycle



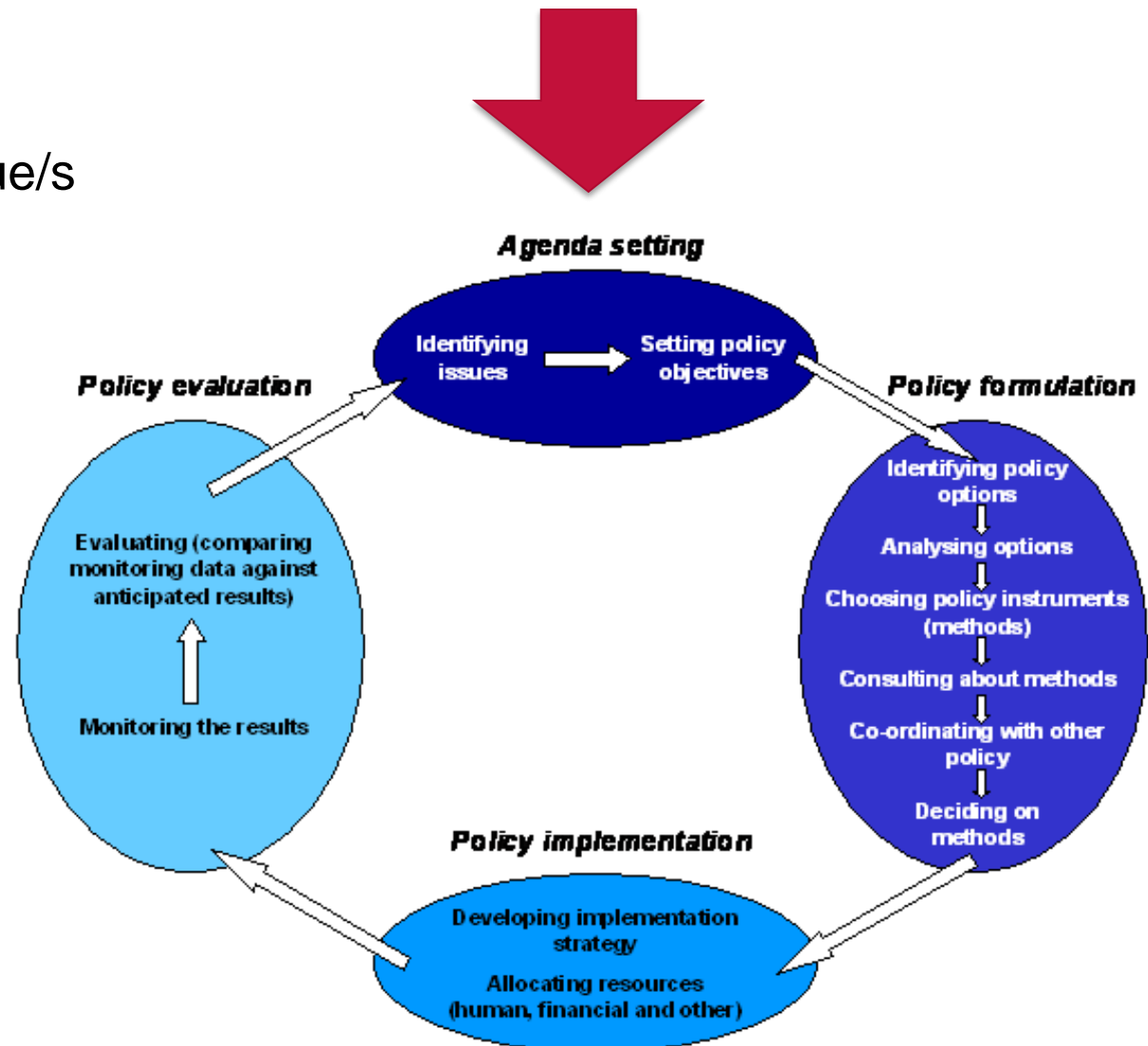
The policy cycle





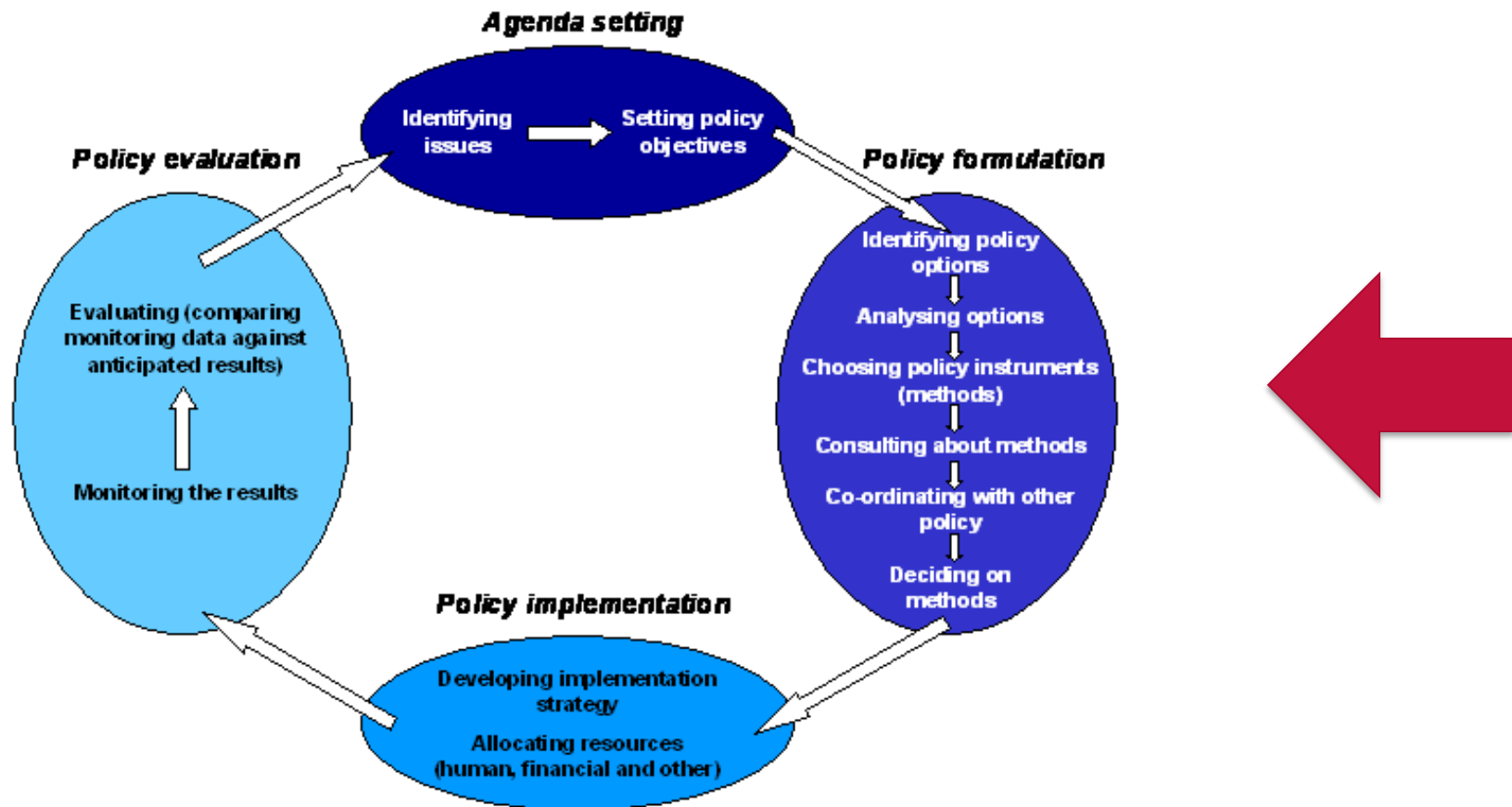
Agenda setting:

- Identifies policy issue/s
- Establishes policy objectives
- Requires strategic thinking





Policy Formulation:





Policy formulation: identifies the best way to achieve the objectives using **3 elements**

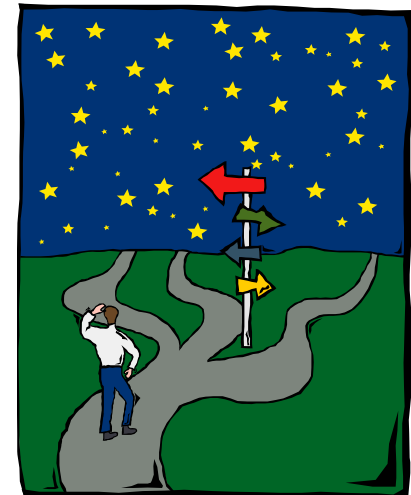
LOOKING OUT:



LOOKING IN:



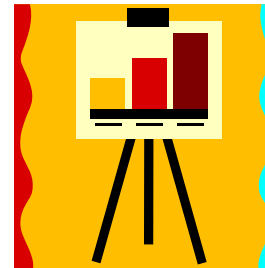
LOOKING AHEAD:





Policy formulation identifies the best way to achieve the objectives using **3 actions**:

➤ **Identify** and **analyze** policy options



➤ **Engage** with internal and external stakeholders



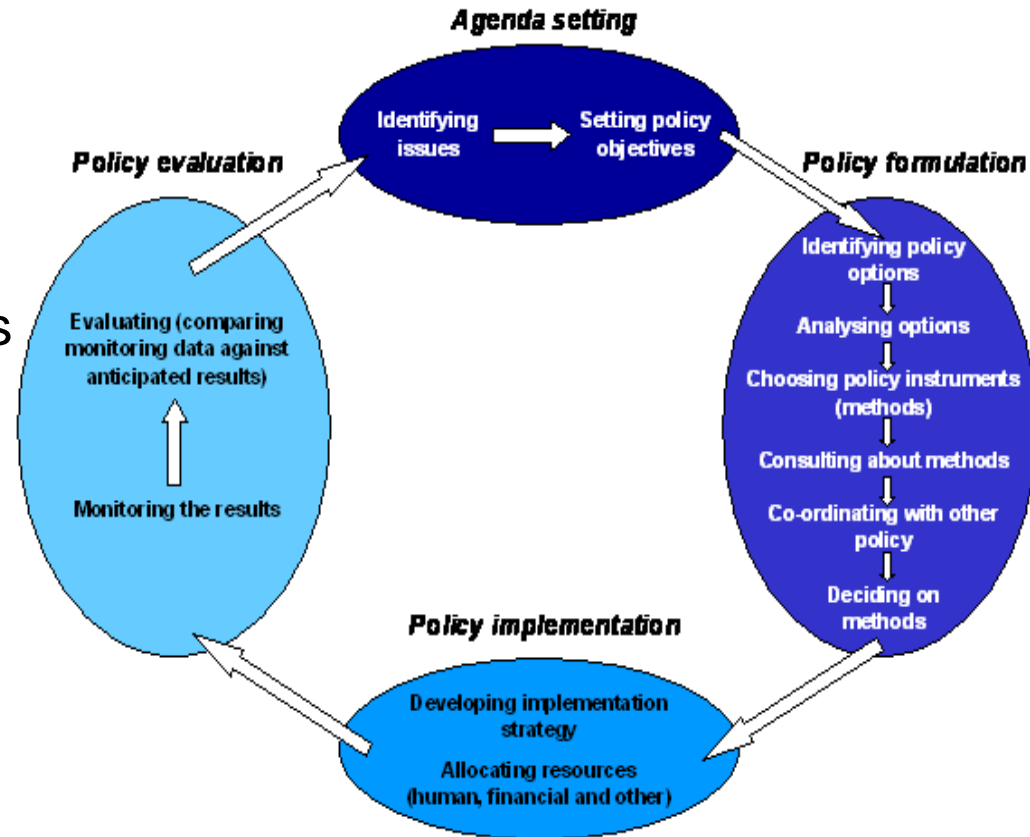
➤ **Choose** the optimal policy instruments





Policy implementation:

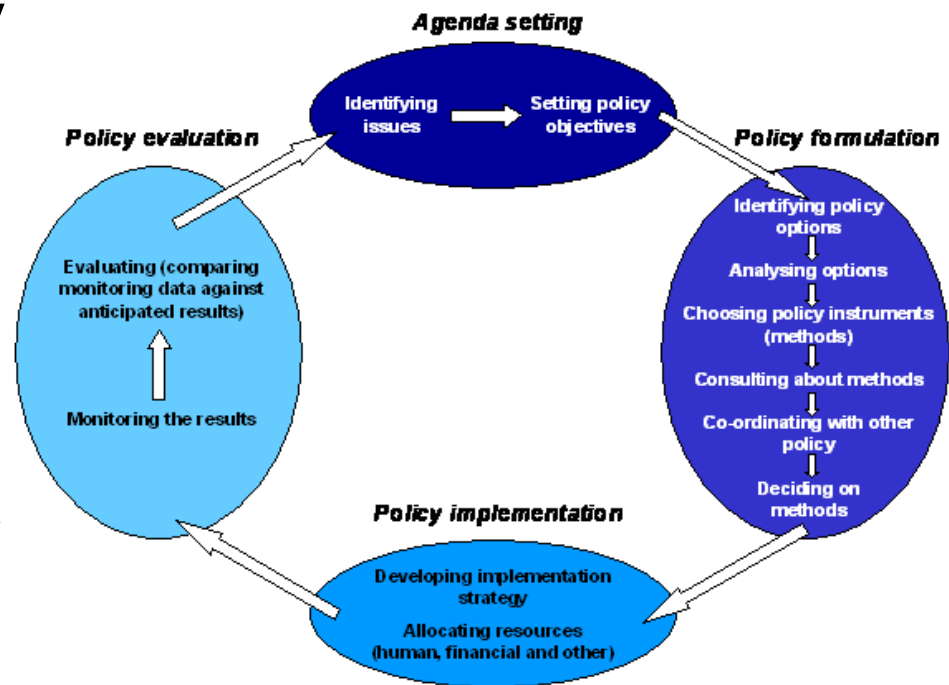
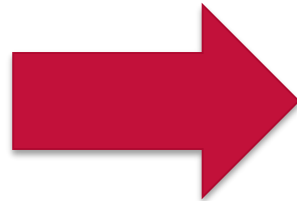
- Link strategic decisions with operational management tasks
- Develop and apply an implementation strategy
- Allocate resources (eg human, financial) to achieve the policies and their objectives





Policy monitoring and evaluation:

- Tests Quality & Sustainability



- Assesses how well the policy is being implemented and how well it worked
- 'Lessons learned' from this exercise can be applied to the next policy cycle

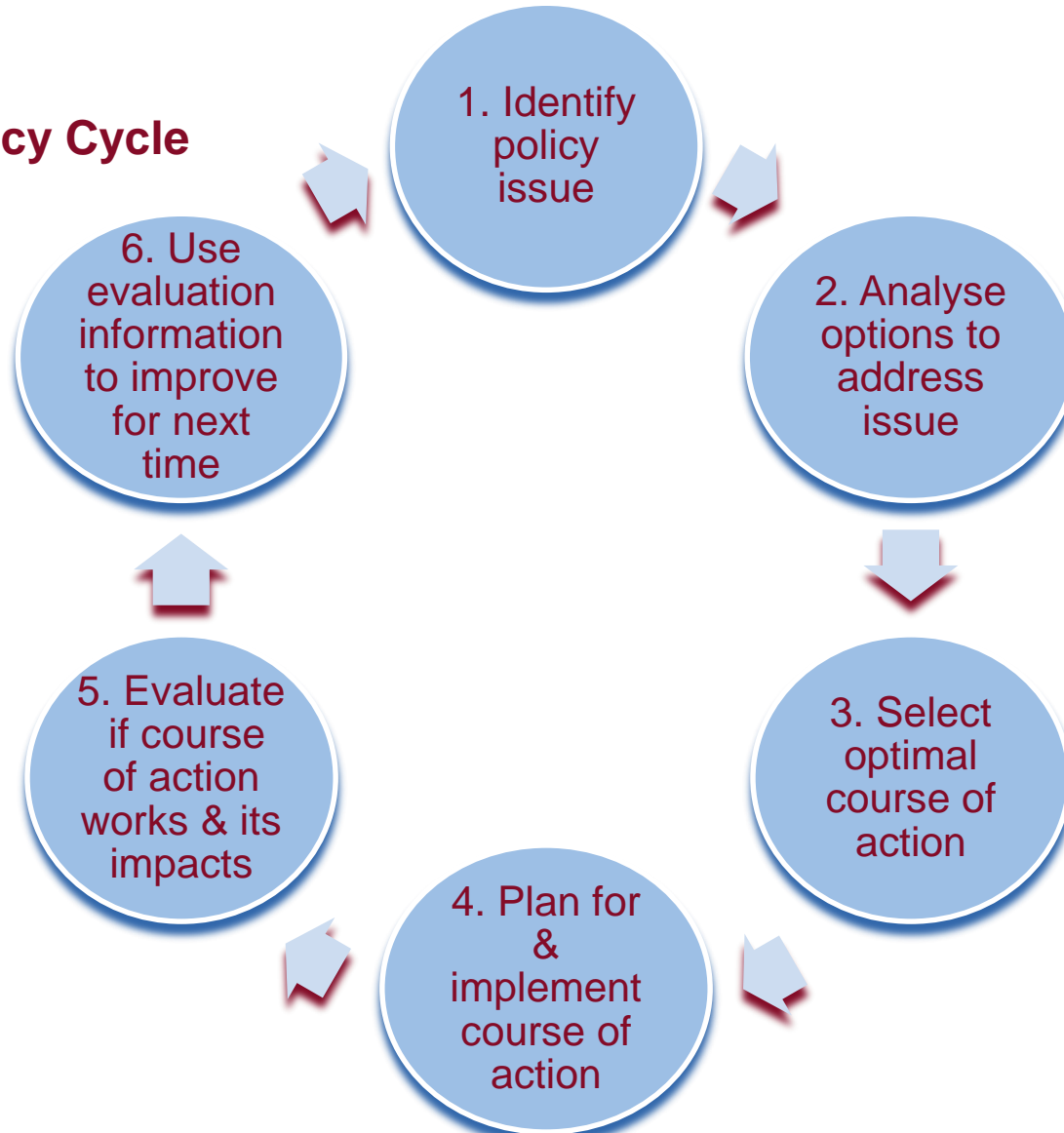


The public policy process

- Although the public policy process fits into the cycle *it is not* as simple as the cycle actually shows.....with more layers of:
 - **Stakeholder engagement:** usually starts at the *beginning* and is an *ongoing process* (in various forms) as well as during a formal consultation period
 - **Financial and organisational needs assessment:** are assessed *with* the policy options and are allocated for implementation
 - **Monitoring & evaluation:** can occur at *any stage* during implementation and can result in a *modification* to the policy
 - **Policy iterations:** many iterations of a proposed policy can be *undertaken* and *consulted* on before the policy might be considered fully developed



Public Policy Cycle





Key message

Public policy is built on a logical sequence of **6** building blocks:

1. starting from identifying the policy issue
2. analysing the options for addressing the issue
3. selecting the optimal course of action
4. planning for and implementing the course of action
5. checking to see if the course of action works and was effective
6. using evaluation information to assess impact and to improve the next version of the policy.



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Questions/Comments



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What's Next?



Trainer's notes

Presentation 1.2. Overview of the Public Policy Cycle	
Learning Objective	Participants understand the policy cycle
Timing	2 hours
Training method	Presentation
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handout- The Public Policy Cycle

Slides 1 to 6 - Overview of the Public Policy Training Program, Public Policy Cycle, & Workshop objectives

This presentation gives a general overview of the public policy training program and its various capability areas and their linkages; it provides an overview of the modules within. This workshop has a focus on introducing the public policy cycle. The cycle presents the overall public policy process in logical and systematic steps to develop, implement and review public policy.

Slide 7 - What is a policy cycle?

The life of a policy is often described as cycle where each step builds on the one before.... from developing the policy, to implementing the policy, to reviewing the policy. The review provides an opportunity to reflect on what has worked well and where we can improve, it teaches us the lessons we need to know for the next policy on the same subject-matter.

It is useful to see the policy cycle as continuous circular process.

Slide 8 - The policy cycle

DISTRIBUTE HANDOUT

This diagram depicts the policy cycle in 4 phases. The main thing to note here is that each step flows into the next in a logical way. We will now go briefly through each of these steps.

Slide 9 - Agenda setting



The purpose of the agenda-setting step is to identify the actual policy problem that we want to address. In this step, we want to identify the essence of the problem and its causes. This helps us to identify a realistic goal and specific policy objectives.

This step in the public policy process requires the policy analyst to learn about the issue in detail, to reach out to and work cooperatively with a wide range of people and organizations in order to find out all angles of the problem, and to think strategically about causes and how the problem could be solved.

Slide 10 - Policy formulation

The purpose of the policy formulation step is to identify the best way or ways to achieve the **objectives** that were identified in the previous step. This step can be complex because it involves taking a wide range of issues into account to identify the best way to implement the policy objectives.

We do this in a systematic way, where we-

1. identify all the realistic options for how to achieve the objectives;
2. analyse the options to identify the best ones. Here we look at matters such as costs, benefits and what best suits the needs of the people affected;
3. choose the best way to implement the best options. Here we look at the 'tools of government' or the 'instruments', which are the ways the government can intervene in order to choose the best forms of intervention.
4. consult formally with people and organizations who will be affected by the policy to see what they think about the options.

By the end of this step, we will have a clear policy proposal that contains a clearly articulated way to implement the policy objectives that is considered to be the best way forward, taking into account the technical and stakeholder's issues. The policy officer will make a detailed and well-argued recommendation about the recommended way the policy should proceed.

The proposed policy will then go through the decision-making process- to Ministers and into the Council of Ministers and the Prime Minister's office for approval. Once the policy is approved, it will be announced and released as a 'policy statement' that includes the goals, the objectives, the outputs and the 'tools of government' that will implement the policy.

Slide 11 - Policy formulation



The main thing to understand at this point is that this step involves-

LOOKING OUT- this means looking at the environment that the policy will affect, the stakeholders, the constraints, the opportunities. These must be managed strategically so you maximize cooperation with partners, other ministries, stakeholders etc and conflicts can be minimized and resolved in a constructive way. By looking out and learning as much as possible about the environment, we can also avoid surprises that might create blocks to the policy.

LOOKING IN- this means we need to consider taking into account the 'HOW'. How will we plan for the implementation of the policy so it best achieves the objectives? What are the best 'instruments' to use? What are the best organizational structures to use in the government? What are the skills and systems needed in government? What is the best management system to use?

LOOKING AHEAD- how will the policy objectives contribute to the future? And what is needed to make sure that happens?

Slide 12 - Policy formulation

The step also includes the decision by government to move ahead with the policy. The policy analyst has a number of very important tasks in this step such as-

1. **Research about the technical, strategic, social etc aspects of the policy subject-matter;**
2. **stakeholder engagement, both formal and informal;**
3. **coordination with other ministries who have an interest in the policy matter;**
4. **report writing to recommend a policy option to the decision-makers for their agreement, and a policy statement that outlines the actual policy**

Slide 13 - Policy implementation

This step involves developing a detailed **implementation plan** that includes identifying and planning for-

- what activities will be taken, broken down into manageable steps and milestones (eg skilling the administration, building roads, preparing and introducing legislation);
- roles and responsibilities (eg of ministries and departments in ministries);
- timelines for implementation (a realistic schedule);
- resourcing needs (financial and human);



- planning to manage risks (eg delays, unexpected community opposition);
- communication and ongoing engagement with stakeholders;
- procurement of goods and services;
- monitoring and reporting.

The step also includes implementing the plan!

Continuous review of the implementation of the plan is also necessary and where delays or other unforeseen changes arise, the plan needs to be updated and communicated. These reviews also link into the next step, relating to monitoring.

This step therefore involves transforming the strategic work done in the previous step into operational plans. A policy analyst may contribute to this step but it is also likely to include operational managers from other areas of the Ministries as well as specialists in project management.

Slide 14 – Policy monitoring and evaluation

This step assesses the policy’s effectiveness, how well it achieved its objectives and whether the policy achieved its goals.

‘**Monitoring**’ is a systematic way to track-

- expenditure to see if it accords with the plan;
- progress towards implementing the plan, which is measured against criteria that is set at the beginning.

Monitoring is undertaken at strategic times during the implementation of the project.

‘**Evaluation**’ is assessing whether the project achieved its goals and objectives; that is, how the project was done and how well it worked.

Both monitoring and evaluation shows us ‘lessons learned’ about how well the policy was implemented and how well the policy worked. This is important information because it shows us **quality and sustainability**- that is, whether the policy and its implementation was done well and whether it produced the results that were expected.

The ‘lessons learned’ are therefore of great interest to the policy analyst as the analyst will use this information to recommend changes, refinements etc to the policy when it comes up for review. Therefore the end of the policy cycle gives us information to help us to start a new policy cycle, which builds on the previous one.



Slide 15 – The public policy process

This public policy cycle is a useful way to understand the policy process-

- it is not linear!
- policy is not something that you make a decision about and then expect it to just happen without a lot of careful planning, implementation, coordination and monitoring;
- the policy process is a circular process of continuous improvement where the lessons from the past are applied to future policy;
- the policy cycle also shows how each step builds onto the previous step. If, for example, someone asks ‘why are you building that road there?’... it is easy to show the research, consultation, analysis and decision process from the previous steps that led to that road being there.

The policy cycle is, however simplistic and it is not actually a perfect circle. There is often stops and starts within the cycle and overlaps between the steps. For example-

- Stakeholder engagement usually starts at the beginning and is an ongoing process (in various forms) as well as during a formal consultation period
- Financial and organizational needs assessments are assessed with the policy options and are allocated for implementation
- Monitoring can occur at any stage during implementation and can result in a modification to the policy (not just at the end of the policy’s implementation)
- Many iterations of a proposed policy can be undertaken and consulted before the policy might be considered fully developed.

Slides 16 – 17 – The public policy cycle & key messages

The public policy cycle shows us that public policy is built on a logical sequence of building blocks-

- starting from identifying the policy issue
- analysing the options for addressing the issue
- selecting the optimal course of action

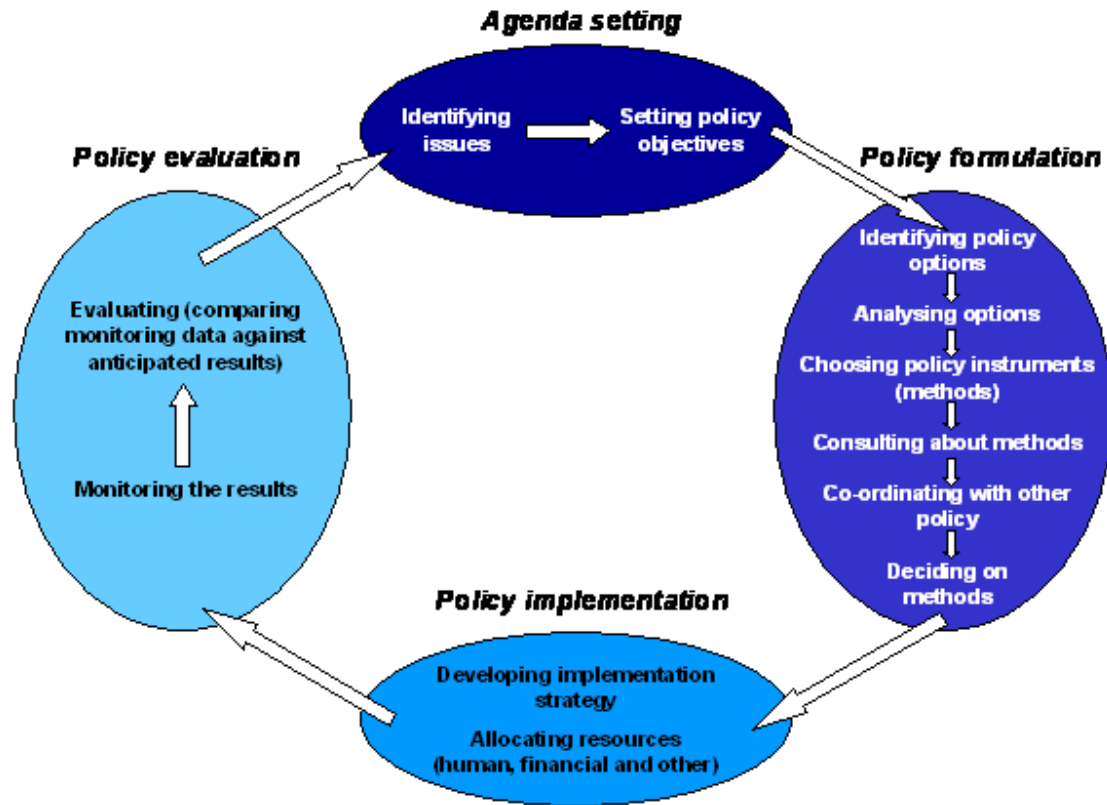


- planning for and implementing the course of action
- checking to see if the course of action works and was effective
- using evaluation information to assess impact and to improve the next version of the policy

Slide 18 – 19 – Wrap up

Seek questions and/or comments on the workshop. Outline any tasks that participants need to do post this workshop. Give a brief overview of next workshop and linkages from today's training to the next workshop. Thank participants for their input.

The public policy cycle



reference: <http://www.mfe.govt.nz/publications/rma/drafting-issues-jul03/html/page2.html>



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Who are the actors in public policy?

1.3 Introduction to Public Policy



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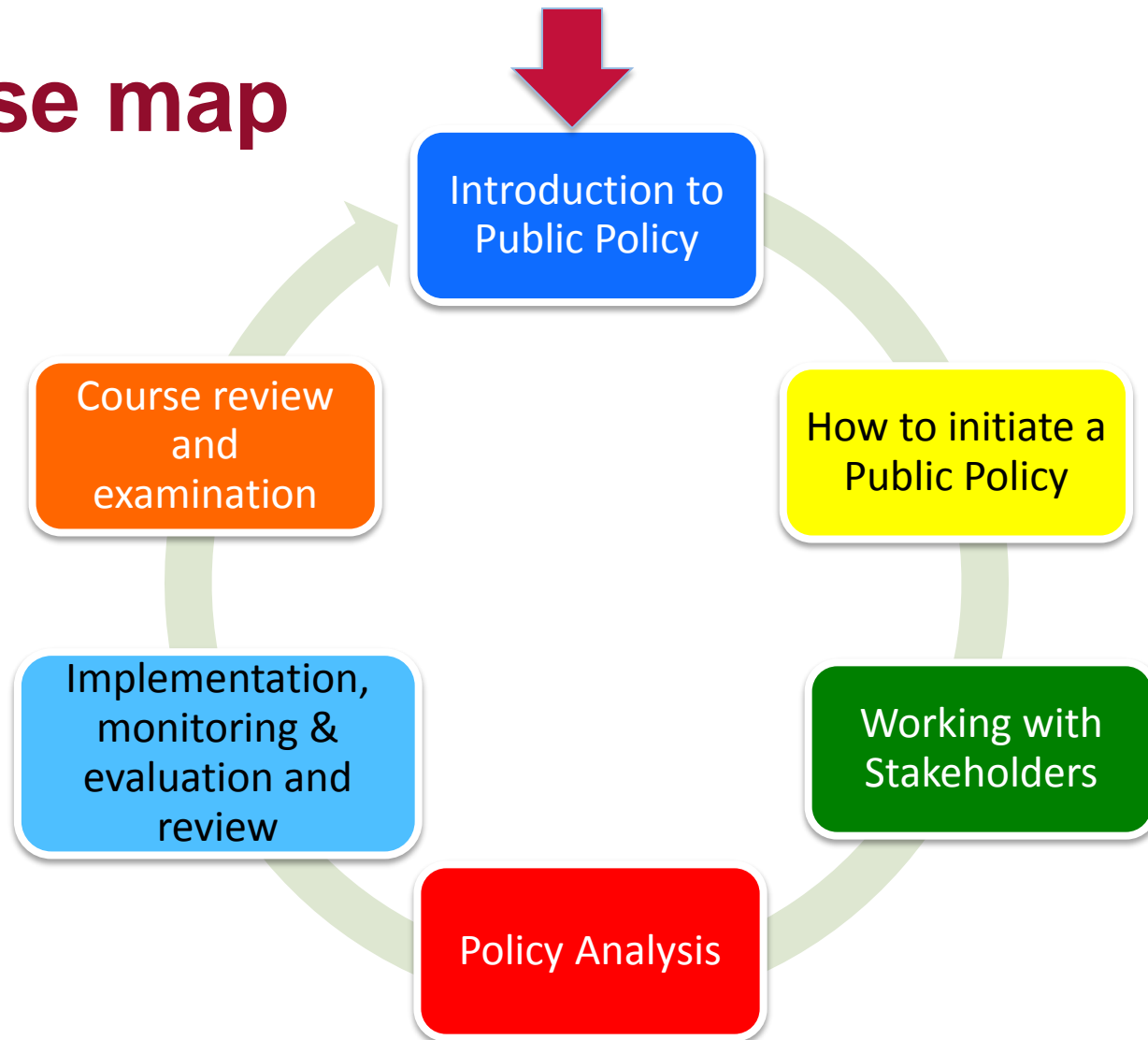
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Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that what we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team



Course map





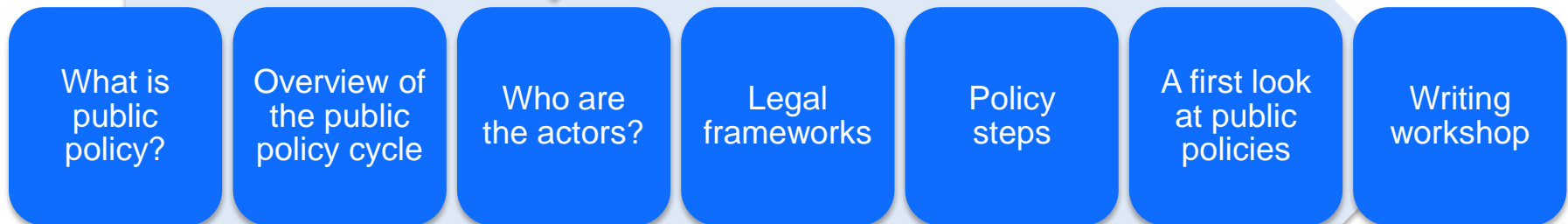
In the last workshop... The policy cycle

Public policy is built on a logical sequence of **6** building blocks:

1. starting from identifying the policy issue
2. analysing the options for addressing the issue
3. selecting the optimal course of action
4. planning for and implementing the course of action
5. checking to see if the course of action works and was effective
6. using evaluation information to assess impact and to improve the next version of the policy.



Part 1 -Introduction to public policy





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Workshop objectives

- To introduce the range of actors engaged in the public policy process
- To understand their various roles and potential influences and interests in public policy
- To understand the role a policy officer can play in managing stakeholders within the public policy framework life cycle



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**What if we had a policy proposal to introduce
community-based health centers?**

Who are the actors?



Exercise....

In your group:

- list the people or organisations with an interest or role in this policy proposal
- you have 10 minutes
- be ready to report back to the large group





Categories of actors

1. Political parties
2. The Prime Minister and the Council of Ministers
3. Parliament and Parliamentary Committees
4. Regional and local governments
5. Ministries and Ministry staff
6. External stakeholders
7. The media



Categories of actors

Political
Actors

E.g.
Political
parties

Executive
Actors

E.g.
Prime
Minister;
Cabinet;
Ministers; &
Council of
Ministers

Legislative
& Judicial
Arms of
Gov't

E.g.
Parliament;
Parliamentary
C'tees;
Judiciary

Administrative
Actors

E.g.
Ministers;
Snr Govt
officials;
policy officers
& technical &
professional
staff

Other
Jurisdiction
Actors

E.g.
Regional
govt.;
Local
govt.

External
Stakeholder
Actors

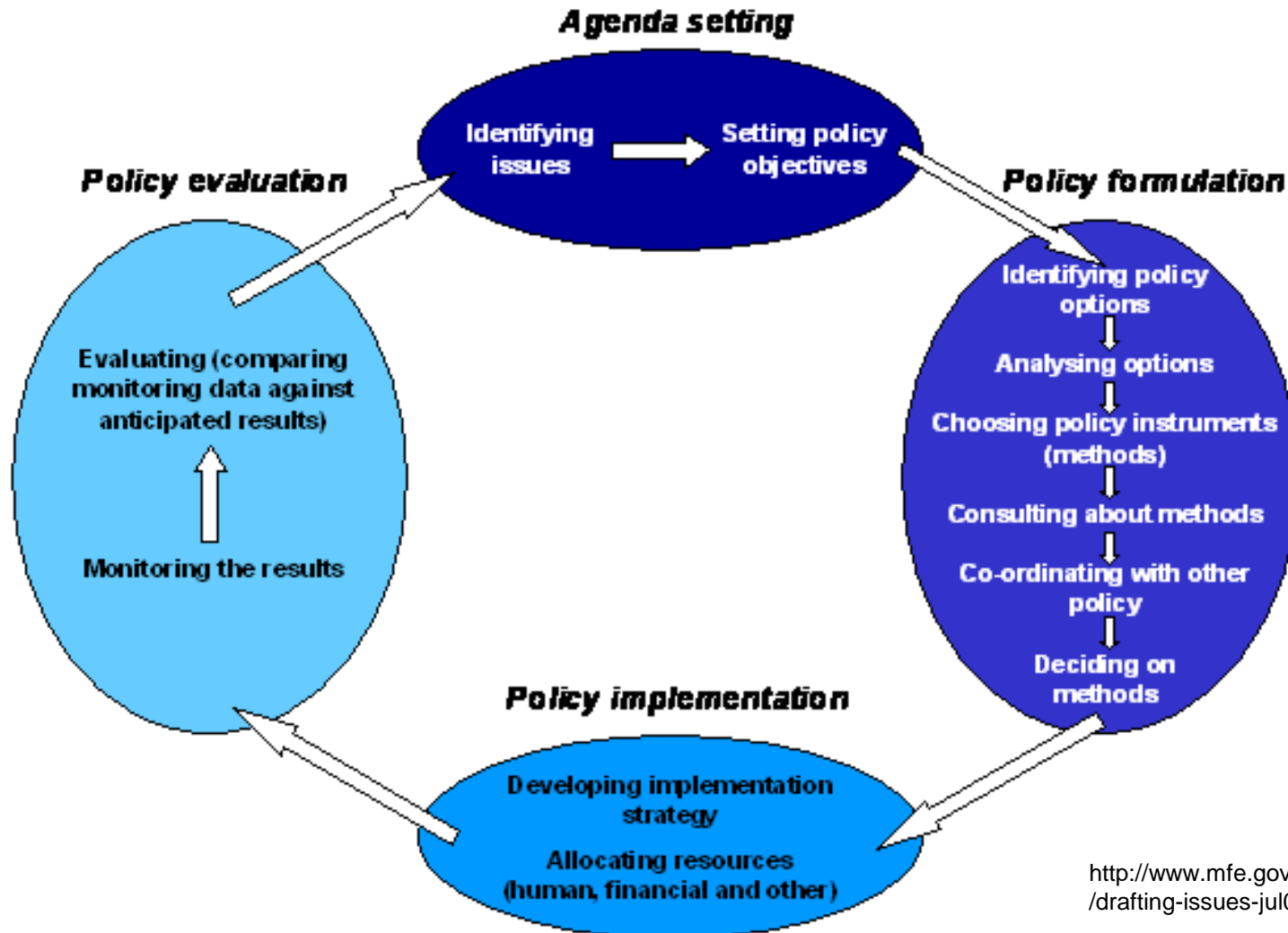
E.g.
NGO's;
Interest groups
think tanks;
industry assoc.
bodies;
International
organisations

Media
Actors

E.g.
TV;
radio;
press;
Internet
forums



The policy cycle





Key messages

- There are many actors in the public policy cycle, playing different roles e.g. political, executive, administrative, external stakeholders (beneficiaries), other governments, media
 - all have valid interests in the policy but the nature of their interests differ
 - all have a potential impact on the policy
- Policy officers must understand and respond to these interests appropriately so they can do their work properly and with clear objectivity



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Questions/Comments



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What's Next?



PART FOUR

Institutional and Noninstitutional Actors

30

Institutional and Noninstitutional Actors in the Policy Process

Matthew A. Cahn

As discussed earlier, public policy has been defined in different ways by different observers. Peters defines policy as “the sum of government activities... (that have) an influence on the lives of citizens.”¹ Lasswell² pointed out that public policy determines “who gets what, when, and how.” Contemporary policy analysts might also include “why?” Ripley and Franklin define policy and the policy process more specifically:

Policy is what the government says and does about perceived problems. Policy making is how the government decides what will be done about perceived problems. Policy making is a process of interaction among governmental and nongovernmental actors; policy is the outcome of that interaction.³

In a real world context, public policy can be understood as the public solutions which are implemented in an effort to solve public problems.

Policy actors are those individuals and groups, both formal and informal, which seek to influence the creation and implementation of these public solutions.

This chapter explores the function and influence that policy actors exert in the policy process. It begins with an overview of the policy process and then moves on to explore each actor within the process, including the institutional actors—Congress, the president, executive agencies, and the courts—and the noninstitutional actors—parties, interest groups, political consultants, and the media.

The policy process is significantly more subtle than many realize. While the Constitution provides for a legislature that makes laws, an executive that enforces laws, and a judiciary that interprets laws, the policy process has evolved into a confusing web of state and federal departments, agencies, and committees that make up the institutional policy



bureaucracy. In addition, the vast network of organized citizen groups (parties, interest groups, and PACs), as well as the rise of the electronic media, political consultants, and other image making professionals, further complicates the process. The role each actor plays, and the relationship between actors, is what determines policy outcomes.

INSTITUTIONAL ACTORS

Congress

Congress is a central institution in the policy process because of its legislative authority. Article I, section 8 of the Constitution defines the various powers of Congress, including the power to

- tax
- borrow money on the credit of the United States
- regulate interstate commerce
- regulate commerce with other nations
- produce currency and determine its value
- fix and regulate weights and measures
- establish a postal system
- establish a network of roads
- issue patents and copyrights
- declare war
- make any law that is “necessary and proper” in the implementation of the other powers

While congressional power is diffused among the 435 voting members of the House and 100 voting members of the Senate, there are specific points where power is focused. It is these points that are points of access for those seeking policy influence.

The vast majority of legislative decisions are made in committees. Between standing committees, special committees, joint committees, conference committees, and all of their associated sub-committees, there are several hundred committees in a typical congressional session. As Fenno⁴ describes, committees and sub-committees are responsible for the initial review of draft legislation. Committees can report positively or negatively on any bill, or they can report amended bills. Rather than report negatively on bills, however, committees typically ignore bills that lack favor. This precludes

the necessity of debating and voting on the bill on the full floor, since bills that are not acted upon die at the close of the congressional session.⁵

Committee chairs have disproportionate influence over policy as a consequence of their power to determine committee agendas. Similarly, certain committees have more policy influence than others. The House Rules Committee, for example, is responsible for determining which bills will be heard and in what order. The Appropriation Committees in both the House and Senate are responsible for reviewing any legislation that requires funding. The power that members of such committees hold and the powers of committee chairs make them key players in the policy process.

Congressional staffers are another source of influence that is often overlooked. In *The Power Game*⁶ Hedrick Smith describes staffers as “policy entrepreneurs.” Staffers are important in two areas. First, as Fiorina⁷ points out, the increasing use of staff in district offices to service constituents strengthens the Congress member’s position among local voters, perhaps explaining in part the strength of incumbency. Second, staffers are the real expertise behind the legislator. With over six thousand bills introduced in an average session, legislators rely more and more on staff to analyze legislation, negotiate compromises, research issues, and meet with lobbyists.⁸ In their roles as legislative analyst and policy negotiators, as well as their role as political confidant and counselor, senior staffers have significant policy influence.

There are several explanations of congressional behavior. What appears to be consistent between analyses is the observation that members of Congress are primarily concerned with achieving reelection. Mayhew⁹ argues that the organization of Congress itself evolved to maximize the re-electability of members. Since congressional power is tied to seniority, this is not surprising. But, it does have negative policy implications. If members are acting to maximize their individual political futures, their ability to govern in the national interest is severely limited. The need to satisfy constituent interests over national interests has led to dangerously high levels of pork in legislative outcomes. The election connection has other impacts which are similarly troubling. In 2008, the average cost to run a successful congressional

campaign was over \$1 million for a House seat and over \$6.5 million for a Senate seat.¹⁰ As a consequence, members of Congress are in a constant state of fundraising. Those interests with greater financial resources may thus achieve greater access. With limited time to meet with members of the public, legislators have a built-in incentive to meet with those individuals who can best benefit their reelection efforts.

Committee decisions, compromises between committees and executive agencies, the influence of staffers, and the cozy relationships between legislators and deep pocket lobbyists have even greater policy importance because they all take place outside of the public eye. Although, as a consequence of political reform in the 1970s, committee meetings are open, staff reports are available for public review, lobbyists are required to register with the government, and all financial contributions are public record, few people have the time to closely follow the intricacies of the policy process. As a consequence, members of Congress and those whose business it is to influence them—and thus have the time—are generally free to act without concern of public attention.

The President and The Executive Bureaucracy

Like Congress, the president is mandated by the Constitution as a partner in the policy process. But, unlike Congress, the president can only approve or disapprove legislation, he or she has no power to amend. Thus, the policy priorities of the president cannot be directly legislated. Rather, presidents must rely on legislative partners in both houses, and on, what Neustadt¹¹ called, the power to persuade.

In *The Presidential Policy Stream*, Paul Light suggests that presidential policy is a result of the “stream of people and ideas that flow through the White House.”¹² If public policy is a process of identifying problems, identifying solutions, and implementing those solutions, the identification of problems and solutions, Light argues, is tied to the assumptions held by players in that stream. The policy stream must accommodate the issues that percolate up through the systemic agenda, as well as those issues that may be on the presidential agenda.

In addition to balancing the demands of the systemic agenda with presidential policy objectives, the president also must balance domestic policy concerns with foreign policy concerns. Wildavsky¹³ suggests that there are in fact two presidencies: the domestic presidency and the foreign policy presidency. Each has different responsibilities and different policy objectives. The foreign policy president has much more power, Wildavsky argues, than the domestic president. As Richard Neustadt suggests, the domestic president may have to rely more on his or her ability to persuade Congress and members of the executive bureaucracy to implement presidential policy objectives than on any specific domestic power. The foreign policy president, on the other hand, has the power to move troops into combat, negotiate executive agreements and treaties, and controls a vast international intelligence network.

The implementation of presidential policy objectives involves a different set of problems than those of Congress. While Congress makes laws, the president can only recommend laws. Yet, the president, as chief executive, may do whatever is necessary to enforce legislation. That enforcement, typically, involves discretionary policy decisions. Article II, sections 2 and 3 define the powers of the president:

- to recommend policy proposals to Congress
- of Commander-in-Chief of the Armed Services (the power to move and control troops, but not to declare war)
- to grant pardons and reprieves for federal offenses except in cases of impeachment
- to make treaties with advice and consent of Senate
- to appoint federal judges, ambassadors, and consuls, and the heads of cabinet-level departments and regulatory agencies with the advice and consent of the Senate
- to “faithfully” enforce all laws

While the president is often looked upon to set the national policy agenda, he or she can only do so as long as he or she holds an ability to persuade. With the expressed powers of the president limited to specific areas, effective presidents must rely on their power to persuade members of Congress, the bureaucracy, the media, and the public.

When expressed powers are insufficient, presidents can rely on executive prerogative. Executive orders have the power of law but have no statutory basis. Roosevelt's 1942 executive order #9066 authorized the incarceration of 110,000 Japanese Americans without warrants, indictments, or hearings. Submitting to anti-Asian hysteria following the bombing of Pearl Harbor, Roosevelt lifted the constitutional protections of a specific class of American citizens.

Reagan's 1981 executive order #12291 required a benefit–cost calculation be performed prior to implementing any policy. If the costs outweighed the benefits, the policy would not be implemented. Aside from the obvious problem in quantifying benefits—what is the value of clean air, for example?—EO 12291 redefines the policy relationship between the executive and the legislature. Rather than fulfilling the constitutional imperative to “faithfully execute all laws,” EO 12291 claims for the executive the right to evaluate whether laws should be enforced, and how extensively.

Effective presidents use the powers and perks of their office to maximize their policy agendas. Appointments are a major source of policy influence. By appointing individuals who share his or her political perspective and agenda, a president is able to extend influence throughout the executive and judicial bureaucracies. Cabinet officers and heads of regulatory agencies establish policy priorities within their agencies. And, since most legislation allows for a significant measure of discretion among implementing and enforcement agencies, the Cabinet officers and agency heads have wide latitude in defining, implementing, and enforcing policy. This was well illustrated by Reagan's appointment of Anne Burford as EPA administrator. Burford, a corporate attorney who often represented clients in suits against the government over environmental regulations, sought to bring Reagan's anti-regulatory philosophy into the EPA. In order to sidestep the legislative mandate that defined EPA's mission, Burford instituted a variety of mechanisms intended to reduce environmental enforcement. She held unannounced meetings with regulated industries, effectively precluding public participation.¹⁴ Further, she centralized all decision making in her office, effectively

paralyzing staff activities.¹⁵ Ultimately, discretionary policy enforcement fell to an all-time low.¹⁶

The ability to control the executive bureaucracy is critical for the development and maintenance of presidential power. The tendency to organize bureaucratically is best described by Max Weber, who suggests that “modern officialdom” seeks the efficiency of specificity and hierarchy.¹⁷ Bureaucratic government incorporates a vast network of interrelated offices, each of which has a specific jurisdiction and a specific task (task differentiation); there is a set hierarchy; and authority is subservient to the rule of law. In “The Rise of the Bureaucratic State,” Wilson explores the evolution of the American bureaucracy.¹⁸ While bureaucratic organization is necessary to administer a society of 300 million people, the size of the bureaucracy itself represents certain hazards. Weber warned that bureaucracies inevitably become insensitive to individual concerns. With the executive bureaucracy employing over 4.5 million people, it may often appear sluggish and unresponsive. Still, specialization is critical for effective government; the Department of Defense clearly has different needs and concerns than the Department of Agriculture. There may, as a result, be little alternative to bureaucratic organization.

The policy influence of regulatory agencies within the executive bureaucracy is substantial. Kenneth Meier and Sheila Jasonoff¹⁹ identify key influences of administrative agencies. Meier describes the regulatory process as a combination of regulatory bureaucracies (values, expertise, agency subculture, bureaucratic entrepreneurs) and public interaction (interest groups, economic issues, legislative committees and sub-committees). Jasonoff observes that regulatory outcomes often reflect the key influence of nonelected and nonappointed science advisors. Regulatory outcomes are a consequence of subsystem interaction between all of these influences. Those who are best able to influence these subsystems are best able to maximize their interests. As a result, policy subsystems are major points of access for policy influence.

The Courts

The influence of judges in interpreting laws has an equally significant impact on policy. The

Brown v. Topeka Board of Education decision in 1955, for example, initiated antisegregation policies and acted as a catalyst for the voting rights acts of the 1960s and civil rights policies through the 1980s. Similarly, the 1973 *Roe v. Wade* decision virtually defined abortion policy thereafter. But, judicial policy influence is not restricted to Supreme Court decisions. Lawrence Baum and Gerald Rosenberg have different views of this.²⁰ Baum points out that appellate courts are significant, if often ignored, partners in policy making. Appellate courts have had critical policy influence in several areas, including abortion and civil rights policy. Rosenberg observes that in spite of the heavy influence of *Brown* or *Roe*, in many areas court decisions have actually had very little policy influence.

The policy role of the judiciary is not universally appreciated. The current debate over judicial activism and judicial restraint is only the most recent in a long discourse. In “Towards an Imperial Judiciary?”²¹ Nathan Glazer argues that judicial activism infringes on democratic policy institutions, and that an activist court erodes the respect and trust people hold for the judiciary. Still, whether a court is active or passive, there are significant policy implications. While the *Brown* decision may be considered “activist,” for example, had the court chosen to remain passive, civil rights policy might have remained nonexistent for many more years. Nonaction is in itself a policy decision with substantial policy implications.

NONINSTITUTIONAL ACTORS

Public policy is not merely the result of independent policy-making institutions. Noninstitutional actors also play a significant role: the public elects legislators and executives; the media influences policy through its inherent agenda setting function; parties, in their role in drafting and electing candidates, influence policy through influencing the composition of legislative and executive bodies; and, organized interest groups lobby elected officials and nonelected policy makers (e.g., agency staff). Policy, then, is a result of institutional processes influenced by non-institutional actors.

Media

The media are influential to policy outcomes because they help define social reality.²² The work of McCombs and Shaw²³ supports the assertion that the media influence the salience of issues. As Lippmann²⁴ observed in 1922, perceptions of reality are based on a tiny sampling of the world around us. No one can be everywhere, no one can experience everything. Thus, to a greater or lesser extent, all of us rely on media portrayals of reality.

Graber²⁵ argues that the way people process information makes them especially vulnerable to media influence. First, people tend to pare down the scope of information they confront. Second, people tend to think schematically. When confronted with information, individuals will fit that information into pre-existing schema. And, since news stories tend to lack background and context, schemata allow the individual to give the information meaning. In such a way, individuals recreate reality in their minds.

The data collected by Iyengar and Kinder²⁶ show that television news, to a great extent, defines which problems the public considers most serious. Iyengar and Kinder refine the agenda-setting dynamic to include what they call “priming.” Priming refers to the selective coverage of only certain events and the selective way in which those events are covered. Since there is no way to cover all events, or cover any event completely, selective decisions must be made. But, there are consequences.

By priming certain aspects of national life while ignoring others, television news sets the terms by which political judgments are rendered and political choices made (Iyengar and Kinder 1987:4). The implications for public policy are serious. If policy is a result of the problem recognition model that Theodoulou²⁷ summarized earlier, then the problems that gain media recognition are much more likely to be addressed.

Parties

Political parties are distinct from other citizen organizations. Rather than attempting to influence existing policy makers, parties seek to get their own members elected to policy-making positions.

While interest groups seek influence on specific policy issues, parties seek influence on a wide spectrum of policy issues. Parties develop issue platforms, draft candidates, campaign on behalf of candidates, and work to get out the vote. In short, parties work to bring together citizens under a common banner.

While most people may think of parties only during election cycles, their policy influence extends beyond campaigns. While the rise of the media over the last thirty years has de-emphasized the power of parties in electoral politics, Eldersveld²⁸ accurately points out that parties continue to play a dominant role in policy outcomes. First and foremost, the party that emerges dominant determines the direction policy will take.

The president is responsible to the party that got him or her elected and therefore must pursue at least some of the policy objectives articulated at the party convention. Congress continues to distribute committee membership and chairmanships according to party affiliation. While negotiation and compromise is typically necessary, the general direction of congressional policy is directly tied to the ideology of the larger party. The strength of political parties has waned over the past three decades, but parties maintain policy influence in critical areas. Elections, patronage appointments, legislative committees, and national policy discourses all reflect the influence of parties.

Interest Groups

Interest groups are a fundamental partner in policy making. Citizens participate in the policy process through communication with policy makers. Such communication takes place individually (e.g., letters to elected representatives) and collectively. Interest groups facilitate collective communication. James Madison recognized the propensity for individuals to factionalize in an effort to maximize political influence.²⁹ Robert Dahl further refined the analysis of Madisonian democracy, arguing that in an open society all persons have the right to press their interests. To the extent others share these interests, collective pressure may allow greater policy influence. Indeed, Dahl argued, those issues that

have greater salience have greater interest group representation.³⁰

The interest group dynamic, however, is not so simple. While it may be true that many salient issues have interest group representation, the strength of that representation is not tied to the strength of the issue's salience. Further, the salience itself may be a consequence of interest group action. When studying policy outcomes, it is necessary to identify the policy actors and the political resources they use. Maximizing policy requires specific political resources. The most common resources include bureaucratic knowledge, a network of contacts, citizen backing (size of constituency), an ability to make political contributions, and an ability to mount a public relations (media) campaign. Clearly, no group utilizes all of these resources. But, the ability of an organized group to utilize one or more of these resources is critical for policy influence.

The pluralist model of counterbalancing elites mediating interests is inadequate. The theoretical work done by Mills and empirical work done by Schattschneider, Domhoff, and Presthus, among others, suggest that rather than competing, the interests of economic elites tend to cohere in key policy areas.³¹ Lowi's *The End of Liberalism*³² argues that this interest group influence threatens the democratic basis of government. If interest groups provide the framework for government-citizen interaction, and these groups are based on individual self-interest, there is little opportunity for pursuing a meaningful national interest.

Not only are corporate interest groups and PACs at an all-time high, but the structure of the policy-making establishment has come to accept private think tanks as democratic institutions. The Brookings Institute, RAND Corporation, Council for Economic Development (CED), Council on Foreign Relations (CFR), and others form a bridge between corporate interests and government. The think tanks are considered by many policy makers to be neutral policy consultants and are thus extended great access to the policy-making arena. Yet, virtually all of them have strong foundations in the corporate community. The RAND Corporation was created as a joint venture between the U.S. Airforce and the aerospace industry as a think tank devoted

to the theory and technology of deterrence. The CED was founded in the early 1940s by a consortium of corporate leaders to influence specific policy formation. The CFR was founded in 1921 by corporate executives and financiers to help shape foreign policy. As a result, economic elites are able to influence policy through what are essentially interest group think tanks.³³

Political Consultants

Increasingly, political expertise is purchased by those with the need and the resources. In reviewing the rise and structure of the political consulting industry, Sabato³⁴ exposes the fragile relationship between articulating ideas in a political marketplace and manipulating public opinion. It is virtually impossible to win at the policy game without the marketing skills held by consultants and strategists. Like many other policy resources, political consultants are costly. As a consequence, those with greater economic resources enjoy a policy advantage.

CONCLUSION

This chapter has explored the role and influence of actors in the policy process—both institutional (Congress, the president and executive bureaucracy, and the Courts) and noninstitutional (media, parties, interest groups, and political consultants). From the discussion it can be seen that policy outcomes are typically a result of institutional processes *and* noninstitutional influence.

End Notes

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31

Congress: Keystone of the Washington Establishment

Morris Fiorina

In this chapter... I will set out a theory of the Washington establishment(s). The theory is quite plausible from a commonsense standpoint, and it is consistent with the specialized literature of academic political science. Nevertheless, it is still a theory, not proven fact. Before plunging in let me bring out in the open the basic axiom on which the theory rests: the self-interest axiom.

I assume that most people most of the time act in their own self-interest. This is not to say that human beings seek only to amass tangible wealth but rather to say that human beings seek to achieve their own ends—tangible and intangible—rather than the ends of their fellow men. I do not condemn such behavior nor do I condone it (although I rather sympathize with Thoreau's comment that "if I knew for a certainty that a man was coming to my house with the conscious design of doing me good. I should run for my life."¹ I only claim that political and economic theories which presume self-interested behavior will prove to be more widely applicable than those which build on more altruistic assumptions.

What does the axiom imply when used in the specific context ... a context peopled by congressmen, bureaucrats, and voters? I assume that the primary goal of the typical congressman is reelection. Over and above the \$45,000 salary plus "perks" and outside money, the office

of congressman carries with it prestige, excitement, and power. It is a seat in the cockpit of government. But in order to retain the status, excitement, and power (not to mention more tangible things) of office, the congressman must win reelection every two years. Even those congressmen genuinely concerned with good public policy must achieve reelection in order to continue their work. Whether narrowly self-serving or more publicly oriented, the individual congressman finds reelection to be at least a necessary condition for the achievement of his goals.²

Moreover, there is a kind of natural selection process at work in the electoral arena. On average, those congressmen who are not primarily interested in reelection will not achieve reelection as often as those who are interested. We, the people, help to weed out congressmen whose primary motivation is not reelection. We admire politicians who courageously adopt the aloof role of the disinterested statesman, but we vote for those politicians who follow our wishes and do us favors.

What about the bureaucrats? A specification of their goals is somewhat more controversial—those who speak of appointed officials as public servants obviously take a more benign view than those who speak of them as bureaucrats. The literature provides ample justification for asserting

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that most bureaucrats wish to protect and nurture their agencies. The typical bureaucrat can be expected to seek to expand his agency in terms of personnel, budget, and mission. One's status in Washington (again, not to mention more tangible things) is roughly proportional to the importance of the operation one oversees. And the sheer size of the operation is taken to be a measure of importance. As with congressmen, the specified goals apply even to those bureaucrats who genuinely believe in their agency's mission. If they believe in the efficacy of their programs, they naturally wish to expand them and add new ones. All of this requires more money and more people. The genuinely committed bureaucrat is just as likely to seek to expand his agency as the proverbial empire-builder.³

And what of the third element in the equation, us? What do we, the voters who support the Washington system, strive for? Each of us wishes to receive a maximum of benefits from government for the minimum cost. This goal suggests maximum government efficiency, on the one hand, but it also suggests mutual exploitation on the other. Each of us favors an arrangement in which our fellow citizens pay for our benefits.

With these brief descriptions of the cast of characters in hand, let us proceed.

TAMMANY HALL GOES TO WASHINGTON

What should we expect from a legislative body composed of individuals whose first priority is their continued tenure in office? We should expect, first, that the normal activities of its members are those calculated to enhance their chances of reelection. And we should expect, second, that the members would devise and maintain institutional arrangements which facilitate their electoral activities....

For most of the twentieth century, congressmen have engaged in a mix of three kinds of activities: lawmaking, pork barreling, and casework. Congress is first and foremost a lawmaking body, at least according to constitutional theory. In every postwar session Congress "considers" thousands of bills and resolutions, many hundreds of which are brought to a record vote (over 500 in

each chamber in the 93rd Congress). Naturally the critical consideration in taking a position for the record is the maximization of approval in the home district. If the district is unaffected by and unconcerned with the matter at hand, the congressman may then take into account the general welfare of the country. (This sounds cynical, but remember that "profiles in courage" are sufficiently rare that their occurrence inspires books and articles.) Abetted by political scientists of the pluralist school, politicians have propounded an ideology which maintains that the good of the country on any given issue is simply what is best for a majority of congressional districts. This ideology provides a philosophical justification for what congressmen do while acting in their own self-interest.

A second activity favored by congressmen consists of efforts to bring home the bacon to their districts. Many popular articles have been written about the pork barrel, a term originally applied to rivers and harbors legislation but now generalized to cover all manner of federal largesse.⁴ Congressmen consider new dams, federal buildings, sewage treatment plants, urban renewal projects, etc. as sweet plums to be plucked. Federal projects are highly visible, their economic impact is easily detected by constituents, and sometimes they even produce something of value to the district. The average constituent may have some trouble translating his congressman's vote on some civil rights issue into a change in his personal welfare. But the workers hired and supplies purchased in connection with a big federal project provide benefits that are widely appreciated. The historical importance congressmen attach to the pork barrel is reflected in the rules of the House. That body accords certain classes of legislation "privileged" status: they may come directly to the floor without passing through the Rules Committee, a traditional graveyard for legislation. What kinds of legislation are privileged? Taxing and spending bills, for one: the government's power to raise and spend money must be kept relatively unfettered. But in addition, the omnibus rivers and harbors bills of the Public Works Committee and public lands bills from the Interior Committee share privileged status. The House will allow a civil rights or defense

procurement or environmental bill to languish in the Rules Committee, but it takes special precautions to insure that nothing slows down the approval of dams and irrigation projects.

A third major activity takes up perhaps as much time as the other two combined. Traditionally, constituents appeal to their congressman for myriad favors and services. Sometimes only information is needed, but often constituents request that their congressman intervene in the internal workings of federal agencies to affect a decision in a favorable way, to reverse an adverse decision, or simply to speed up the glacial bureaucratic process. On the basis of extensive personal interviews with congressmen, Charles Clapp writes:

Denied a favorable ruling by the bureaucracy on a matter of direct concern to him, puzzled or irked by delays in obtaining a decision, confused by the administrative maze through which he is directed to proceed, or ignorant of whom to write, a constituent may turn to his congressman for help. These letters offer great potential for political benefit to the congressman since they affect the constituent personally. If the legislator can be of assistance, he may gain a firm ally; if he is indifferent, he may even lose votes.⁵

Actually congressmen are in an almost unique position in our system, a position shared only with high-level members of the executive branch. Congressmen possess the power to expedite and influence bureaucratic decisions. This capability flows directly from congressional control over what bureaucrats value most: higher budgets and new program authorizations. In a very real sense each congressman is a monopoly supplier of bureaucratic unsticking services for his district.

Every year the federal budget passes through the appropriations committees of Congress. Generally these committees make perfunctory cuts. But on occasion they vent displeasure on an agency and leave it bleeding all over the Capitol. The most extreme case of which I am aware came when the House committee took away the entire budget of the Division of Labor Standards in 1947 (some of the budget was restored elsewhere

in the appropriations process). Deep and serious cuts are made occasionally, and the threat of such cuts keeps most agencies attentive to congressional wishes. Professors Richard Fenno and Aaron Wildavsky have provided extensive documentary and interview evidence of the great respect (and even terror) federal bureaucrats show for the House Appropriations Committee.⁶ Moreover, the bureaucracy must keep coming back to Congress to have its old programs reauthorized and new ones added. Again, most such decisions are perfunctory, but exceptions are sufficiently frequent that bureaucrats do not forget the basis of their agencies' existence. For example, the Law Enforcement Assistance Administration (LEAA) and the Food Stamps Program had no easy time of it this last Congress (94th). The bureaucracy needs congressional approval in order to survive, let alone expand. Thus, when a congressman calls about some minor bureaucratic decision or regulation, the bureaucracy considers his accommodation a small price to pay for the goodwill its cooperation will produce, particularly if he has any connection to the substantive committee or the appropriations subcommittee to which it reports.

From the standpoint of capturing voters, the congressman's lawmaking activities differ in two important respects from his porkbarrel and casework activities. First, programmatic actions are inherently controversial. Unless his district is homogeneous, a congressman will find his district divided on many major issues. Thus when he casts a vote, introduces a piece of nontrivial legislation, or makes a speech with policy content he will displease some elements of his district. Some constituents may applaud the congressman's civil rights record, but others believe integration is going too fast. Some support foreign aid, while others believe it's money poured down a rathole. Some advocate economic equality, others stew over welfare cheaters. On such policy matters the congressman can expect to make friends as well as enemies. Presumably he will behave so as to maximize the excess of the former over the latter, but nevertheless a policy stand will generally make some enemies.

In contrast, the pork barrel and casework are relatively less controversial. New federal projects bring jobs, shiny new facilities, and

general economic prosperity, or so people believe. Snipping ribbons at the dedication of a new post office or dam is a much more pleasant pursuit than disposing of a constitutional amendment on abortion. Republicans and Democrats, conservatives and liberals, all generally prefer a richer district to a poorer one. Of course, in recent years the river damming and stream-bed straightening activities of the Army Corps of Engineers have aroused some opposition among environmentalists. Congressmen happily reacted by absorbing the opposition and adding environmentalism to the pork barrel: water treatment plants are currently a hot congressional item.

Casework is even less controversial. Some poor, aggrieved constituent becomes enmeshed in the tentacles of an evil bureaucracy and calls upon Congressman St. George to do battle with the dragon. Again Clapp writes;

A person who has a reasonable complaint or query is regarded as providing an opportunity rather than as adding an extra burden to an already busy office. The party affiliation of the individual even when known to be different from that of the congressman does not normally act as a deterrent to action. Some legislators have built their reputations and their majorities on a program of service to all constituents irrespective of party. Regularly, voters affiliated with the opposition in other contests lend strong support to the lawmaker whose intervention has helped them in their struggle with the bureaucracy.⁷

Even following the revelation of sexual improprieties, Wayne Hays won his Ohio Democratic primary by a two-to-one margin. According to a *Los Angeles Times* feature story, Hays's constituency base was built on a foundation of personal service to constituents:

They receive help in speeding up bureaucratic action on various kinds of federal assistance—black lung benefits to disabled miners and their families, Social Security payments, veterans' benefits and passports.

Some constituents still tell with pleasure of how Hays stormed clear to the

seventh floor of the State Department and into Secretary of State Dean Rusk's office to demand, successfully, the quick issuance of a passport to an Ohioan.⁸

Practicing politicians will tell you that word of mouth is still the most effective mode of communication. News of favors to constituents gets around and no doubt is embellished in the process.

In sum, when considering the benefits of his programmatic activities, the congressman must tote up gains and losses to arrive at a net profit. Pork barreling and casework, however, are basically pure profit.

A second way in which programmatic activities differ from casework and the pork barrel is the difficulty of assigning responsibility to the former as compared with the latter. No congressman can seriously claim that he is responsible for the 1964 Civil Rights Act, the ABM, or the 1972 Revenue Sharing Act. Most constituents do have some vague notion that their congressman is only one of hundreds and their senator one of an even hundred. Even committee chairmen may have a difficult time claiming credit for a piece of major legislation, let alone a rank-and-file congressman. Ah, but casework, and the pork barrel. In dealing with the bureaucracy, the congressman is not merely one vote of 435. Rather, he is a nonpartisan power, someone whose phone calls snap an office to attention. He is not kept on hold. The constituent who receives aid believes that his congressman and his congressman alone got results. Similarly, congressmen find it easy to claim credit for federal projects awarded their districts. The congressman may have instigated the proposal for the project in the first place, issued regular progress reports, and ultimately announced the award through his office. Maybe he can't claim credit for the 1965 Voting Rights Act, but he can take credit for Littletown's spanking new sewage treatment plant.

Overall then, programmatic activities are dangerous (controversial), on the one hand, and programmatic accomplishments are difficult to claim credit for, on the other. While less exciting, casework and pork barreling are both safe and profitable. For a reelection-oriented congressman the choice is obvious.

The key to the rise of the Washington establishment (and the vanishing marginals) is the following observation: *the growth of an activist federal government has stimulated a change in the mix of congressional activities*. Specifically, a lesser proportion of congressional effort is now going into programmatic activities and a greater proportion into pork-barrel and casework activities. As a result, today's congressmen make relatively fewer enemies and relatively more friends among the people of their districts.

To elaborate, a basic fact of life in twentieth-century America is the growth of the federal role and its attendant bureaucracy. Bureaucracy is the characteristic mode of delivering public goods and services. *Ceteris paribus*, the more the government attempts to do for people, the more extensive a bureaucracy it creates. As the scope of government expands, more and more citizens find themselves in direct contact with the federal government. Consider the rise in such contacts upon passage of the Social Security Act, work relief projects and other New Deal programs. Consider the millions of additional citizens touched by the veterans' programs of the post-war period. Consider the untold numbers whom the Great Society and its aftermath brought face to face with the federal government. In 1930 the federal bureaucracy was small and rather distant from the everyday concerns of Americans. By 1975 it was neither small nor distant.

As the years have passed, more and more citizens and groups have found themselves dealing with the federal bureaucracy. They may be seeking positive actions—eligibility for various benefits and awards of government grants. Or they may be seeking relief from the costs imposed by bureaucratic regulations—on working conditions, racial and sexual quotas, market restrictions, and numerous other subjects. While not malevolent, bureaucracies make mistakes, both of commission and omission, and normal attempts at redress often meet with unresponsiveness and inflexibility and sometimes seeming incorrigibility. Whatever the problem, the citizen's congressman is a source of succor. The greater the scope of government activity, the greater the demand for his services.

Private monopolists can regulate the demand for their product by raising or lowering the price.

Congressmen have no such (legal) option. When the demand for their services rises, they have no real choice except to meet that demand—to supply more bureaucratic unsticking services—so long as they would rather be elected than unelected. This vulnerability to escalating constituency demands is largely academic, though. I seriously doubt that congressmen resist their gradual transformation from national legislators to errand boy-ombudsmen. As we have noted, casework is all profit. Congressmen have buried proposals to relieve the casework burden by establishing a national ombudsman or Congressman Reuss's proposed Administrative Counsel of the Congress. One of the congressmen interviewed by Clapp stated:

Before I came to Washington I used to think that it might be nice if the individual states had administrative arms here that would take care of necessary liaison between citizens and the national government. But a congressman running for reelection is interested in building fences by providing personal services. The system is set to reelect incumbents regardless of party, and incumbents wouldn't dream of giving any of this service function away to any subagency. As an elected member I feel the same way.⁹

In fact, it is probable that at least some congressmen deliberately stimulate the demand for their bureaucratic fixit services. (See the exhibit at the end of this chapter.) Recall that the new Republican in district A travels about his district saying:

I'm your man in Washington. What are your problems? How can I help you?

And in district B, did the demand for the congressman's services rise so much between 1962 and 1964 that a "regiment" of constituency staff became necessary? Or, having access to the regiment, did the new Democrat stimulate the demand to which he would apply his regiment?

In addition to greatly increased casework, let us not forget that the growth of the federal role has also greatly expanded the federal pork barrel. The creative pork barreler need not limit


himself to dams and post offices—rather old-fashioned interests. Today, creative congressmen can cadge LEAA money for the local police, urban renewal and housing money for local politicians, educational program grants for the local education bureaucracy. And there are sewage treatment plants, worker training and retraining programs, health services, and programs for the elderly. The pork barrel is full to overflowing. The conscientious congressman can stimulate applications for federal assistance (the sheer number of programs makes it difficult for local officials to stay current with the possibilities), put in a good word during consideration, and announce favorable decisions amid great fanfare.

In sum, everyday decisions by a large and growing federal bureaucracy bestow significant tangible benefits and impose significant tangible costs. Congressmen can affect these decisions. Ergo, the more decisions the bureaucracy has the opportunity to make, the more opportunities there are for the congressman to build up credits.

The nature of the Washington system is now quite clear. Congressmen (typically the majority Democrats) earn electoral credits by establishing various federal programs (the minority Republicans

typically earn credits by fighting the good fight). The legislation is drafted in very general terms, so some agency, existing or newly established, must translate a vague policy mandate into a functioning program, a process that necessitates the promulgation of numerous rules and regulations and, incidentally, the trampling of numerous toes. At the next stage, aggrieved and/or hopeful constituents petition their congressman to intervene in the complex (or at least obscure) decision processes of the bureaucracy. The cycle closes when the congressman lends a sympathetic ear, piously denounces the evils of bureaucracy, intervenes in the latter's decisions, and rides a grateful electorate to ever more impressive electoral showings. Congressmen take credit coming and going. They are the alpha and the omega.

The popular frustration with the permanent government in Washington is partly justified, but to a considerable degree it is misplaced resentment. *Congress is the linchpin of the Washington establishment.* The bureaucracy serves as a convenient lightning rod for public frustration and a convenient whipping boy for congressmen. But so long as the bureaucracy accommodates congressmen, the latter will oblige with ever larger




NEED HELP WITH A FEDERAL PROBLEM?

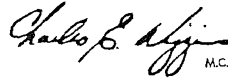
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EXHIBIT: How the Congressman-as-Ombudsman Drums up Business

budgets and grants of authority. Congress does not just react to big government—it creates it. All of Washington prospers. More and more bureaucrats promulgate more and more regulations and dispense more and more money. Fewer and fewer congressmen suffer electoral defeat. Elements of the electorate benefit from government programs, and all of the electorate is eligible for ombudsman services. But the general, long-term welfare of the United States is no more than an incidental by-product of the system.

End Notes

1. Henry David Thoreau, *Walden* (London: Walter Scott Publishing Co., no date) p. 72.
2. For a more extended discussion of the electoral motivation see Fiorina, *Representatives, Roll Calls, and Constituencies*, chap. 2; David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974).
3. For a discussion of the goals of bureaucrats see William Niskanen, *Bureaucracy and Representative Government* (Chicago: Aldine-Atherton, 1971).
4. The traditional pork barrel is the subject of an excellent treatment by John Ferejohn. See his *Pork Barrel Politics: Rivers and Harbors Legislation 1947–1968*, (Stanford: Stanford University Press, 1974).
5. Charles Clapp, *The Congressman: His Job As He Sees It* (Washington: Brookings Institution, 1963), p. 84.
6. Richard Fenno, *The Power of the Purse* (Boston: Little, Brown, 1966); Aaron Wildavsky, *The*

Politics of the Budgetary Process, 2d ed. (Boston: Little, Brown, 1974).

7. Clapp, *The Congressman: His Job As He Sees It*, p. 84.
8. “Hays Improves Rapidly from Overdose,” *Los Angeles Times*, June 12, 1976, part I, p. 19. Similarly, Congressman Robert Leggett (D., Calif.) won reelection in 1976 even amid revelations of a thirteen-year bigamous relationship and rumors of other affairs and improprieties. The *Los Angeles Times* wrote:

Because of federal spending, times are good here in California’s 4th Congressional District, and that is a major reason why local political leaders in both parties, as well as the man on the street, believe that Leggett will still be their congressman next year....

Leggett has concentrated on bringing federal dollars to his district and on acting as an ombudsman for constituents having problems with their military pay or Social Security or GI benefit checks. He sends out form letters to parents of newborn children congratulating them.

Traditionally, personal misbehavior has been one of the few shoals on which incumbent congressmen could founder. But today’s incumbents have so entrenched themselves by personal service to constituents that even scandal does not harm them mortally. See David Johnson, “Rep. Leggett Expected to Survive Sex Scandal,” *Los Angeles Times*, July 26, 1976, part I, p. 1.

9. Clapp, *The Congressman: His Job As He Sees It*, p. 94.

Congress: The Electoral Connection

David Mayhew

How to study legislative behavior is a question that does not yield a consensual answer among political scientists. An ethic of conceptual pluralism prevails in the field, and no doubt it should. If there is any consensus, it is on the point that scholarly treatments should offer explanations—that they should go beyond descriptive accounts of legislators and legislatures to supply general statements about why both of them do what they do. What constitutes a persuasive explanation? In their contemporary quest to find out, legislative students have ranged far and wide, sometimes borrowing or plundering explanatory styles from the neighboring social sciences.

The most important borrowing has been from sociology. In fact it is fair to say that legislative research in the 1950s and 1960s had a dominant sociological tone to it. The literature abounded in terms like *role*, *norm*, *system*, and *socialitation*. We learned that some United States senators adopt an “outsider” role;¹ that the House Appropriations Committee can usefully be viewed as a self-maintaining system;² that legislators can be categorized as “trustees,” “politicos,” or “delegates”;³ that the United States Senate has “followways.”⁴ These findings and others like them grew out of research based for the first time on systematic elite interviewing.

From no other social science has borrowing been so direct or so important. But it is possible to point to writings that have shared—or

partly shared—a root assumption of economics. The difference between economic and sociological explanation is sharp. As Niskanen puts it, “the ‘compositive’ method of economics, which develops hypotheses about social behavior from models of purposive behavior by individuals, contrasts with the ‘collectivist’ method of sociology, which develops hypotheses about social behavior from models of role behavior by aggregative ideal types.”⁵ To my knowledge no political scientist has explicitly anchored his legislative research in economics, but a number have in one way or another invoked “purposive behavior” as a guide to explanation. Thus there are three articles by Scher in which he posits the conditions under which congressmen will find it in their interest to engage in legislative oversight.⁶ Other examples are Wildavsky’s work on bargaining in the budgetary process⁷ and Riker’s general work on coalition building with its legislative applications.⁸ More recently Manley and Fenno have given a clear purposive thrust to their important committee studies.⁹ Fenno’s thinking has evolved to the point where he now places a strong emphasis on detecting why congressmen join specific committees and what they get out of being members of them.

There is probably a disciplinary drift toward the purposive, a drift, so to speak, from the sociological toward the economic. If so, it occurs at a time when some economists are themselves edging over into the legislative field. There is

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Lindblom's writing on the politics of partisan mutual adjustment, with its legislative ramifications.¹⁰ More generally there are recent writings of economists in the public finance tradition.¹¹ Public finance has its normative and empirical sides, the former best exemplified here in the discussion of legislative decision making offered by Buchanan and Tullock.¹² Niskanen develops the empirical side in his work positing bureaus as budget maximizers—an effort that leads him to hypothesize about the relations between bureaus and legislative committees.¹³ Public finance scholars seem to have become interested in legislative studies as a result of their abandoning the old idea of the Benthamite legislator; that is, they have come to display a concern for what public officials actually do rather than an assumption that officials will automatically translate good policy into law once somebody finds out what it is.¹⁴ With political scientists exploring the purposive and economists the legislative, there are at least three forms that future relations between writers in the two disciplines could take. First, scholars in both could continue to disregard each other's writings. Second, they could engage in an unseemly struggle over turf. Third, they could use each other's insights to develop collectively a more vigorous legislative scholarship in the style of political economy.

All this is an introduction to a statement of what I intend to do in the following essay. Mostly through personal experience on Capitol Hill, I have become convinced that scrutiny of purposive behavior offers the best route to an understanding of legislatures—or at least of the United States Congress. In the fashion of economics, I shall make a simple abstract assumption about human motivation and then speculate about the consequences of behavior based on that motivation. Specifically, I shall conjure up a vision of United States congressmen as single-minded seekers of reelection, see what kinds of activity that goal implies, and then speculate about how congressmen so motivated are likely to go about building and sustaining legislative institutions and making policy. At all points I shall try to match the abstract with the factual.

I find an emphasis on the reelection goal attractive for a number of reasons. First, I think

it fits political reality rather well. Second, it puts the spotlight directly on men rather than on parties and pressure groups, which in the past have often entered discussions of American politics as analytic phantoms. Third, I think politics is best studied as a struggle among men to gain and maintain power and the consequences of that struggle. Fourth—and perhaps most important—the reelection quest establishes an accountability relationship with an electorate, and any serious thinking about democratic theory has to give a central place to the question of accountability. The abstract assumption notwithstanding, I regard this venture as an exercise in political science rather than economics. Leaving aside the fact that I have no economics expertise to display, I find that economists who study legislatures bring to bear interests different from those of political scientists. Not surprisingly the public finance scholars tend to look upon government as a device for spending money. I shall give some attention to spending, but also to other governmental activities such as the production of binding rules. And I shall touch upon such traditional subjects of political science as elections, parties, governmental structure, and regime stability. Another distinction here is that economics research tends to be infused with the normative assumption that policy decisions should be judged by how well they meet the standard of Pareto optimality. This is an assumption that I do not share and that I do not think most political scientists share. There will be no need here to set forth any alternative assumption. I may say, for the record, that I find the model of proper legislative activity offered by Rawls a good deal more edifying than any that could be built on a foundation of Pareto optimality.¹⁵

My subject of concern here is a single legislative institution, the United States Congress. In many ways, of course, the Congress is a unique or unusual body. It is probably the most highly “professionalized” of legislatures, in the sense that it promotes careerism among its members and gives them the salaries, staff, and other resources to sustain careers.¹⁶ Its parties are exceptionally diffuse. It is widely thought to be especially “strong” among legislatures as a checker of executive power. Like most Latin American legislatures but unlike most European ones, it labors in

the shadow of a separately elected executive. My decision to focus on the Congress flows from a belief that there is something to be gained in an intensive analysis of a particular and important institution. But there is something general to be gained as well, for the exceptionalist argument should not be carried too far. In a good many ways the Congress is just one in a large family of legislative bodies. I shall find it useful at various points in the analysis to invoke comparisons with European parliaments and with American state legislatures and city councils. I shall ponder the question of what “functions” the Congress performs or is capable of performing—a question that can be answered only with the records of other legislatures in mind. Functions to be given special attention are those of legislating, overseeing the executive, expressing public opinion, and servicing constituents. No functional capabilities can be automatically assumed.¹⁷ Indeed the very term *legislature* is an unfortunate one because it confuses structure and function. Accordingly I shall from here on use the more awkward but more neutral term *representative assembly* to refer to members of the class of entities inhabited by the United States House and Senate. Whatever the noun, the identifying characteristics of institutions in the class have been well stated by Loewenberg: it is true of all such entities that (1) “their members are formally equal to each other in status, distinguishing parliaments from hierarchically ordered organizations,” and (2) “the authority of their members depends on their claim to representing the rest of the community, in some sense of that protean concept, representation.”¹⁸...

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33

Presidential Power

Richard Neustadt

1

In the United States we like to “rate” a President. We measure him as “weak” or “strong” and call what we are measuring his “leadership.” We do not wait until a man is dead; we rate him from the moment he takes office. We are quite right to do so. His office has become the focal point of politics and policy in our political system. Our commentators and our politicians make a specialty of taking the man’s measurements. The rest of us join in when we feel “government” impinging on our private lives. In the third quarter of the twentieth century millions of us have that feeling often.

... Although we all make judgments about presidential leadership, we often base our judgments upon images of office that are far removed

from the reality. We also use those images when we tell one another whom to choose as President. But it is risky to appraise a man in office or to choose a man for office on false premises about the nature of his job. When the job is the Presidency of the United States the risk becomes excessive. ...

We deal here with the President himself and with his influence on governmental action. In institutional terms the Presidency now includes 2000 men and women. The President is only one of them. But *his* performance scarcely can be measured without focusing on *him*. In terms of party, or of country, or the West, so-called, his leadership involves far more than governmental action. But the sharpening of spirit and of values and of purposes is not done in a vacuum. Although governmental

From Richard E. Neustadt, *Presidential Power: The Politics of Leadership from FDR to Carter*. Copyright © 1986 by Macmillan Publishing Company, Inc. Reprinted with permission.

action may not be the whole of leadership, all else is nurtured by it and gains meaning from it. Yet if we treat the Presidency as the President, we cannot measure him as though he were the government. Not action as an outcome but his impact on the outcome is the measure of the man. His strength or weakness, then, turns on his personal capacity to influence the conduct of the men who make up government. His influence becomes the mark of leadership. To rate a President according to these rules, one looks into the man's own capabilities as seeker and as wielder of effective influence upon the other men involved in governing the country...

"Presidential" on the title page means nothing but the President. "Power" means *his* influence. It helps to have these meanings settled at the start.

There are two ways to study "presidential power." One way is to focus on the tactics, so to speak, of influencing certain men in given situations: how to get a bill through Congress, how to settle strikes, how to quiet Cabinet feuds, or how to stop a Suez. The other way is to step back from tactics on those "givens" and to deal with influence in more strategic terms: what is its nature and what are its sources? What can *this* man accomplish to improve the prospect that he will have influence when he wants it? Strategically, the question is not how he masters Congress in a peculiar instance, but what he does to boost his chance for mastery in any instance, looking toward tomorrow from today...

2

To look into the strategy of presidential influence one must decide at whom to look. Power problems vary with the scope and scale of government, the state of politics, the progress of technology, the pace of world relationships. Power in the Nineteen-sixties cannot be acquired or employed on the same terms as those befitting Calvin Coolidge, or Theodore Roosevelt, or Grover Cleveland, or James K. Polk. But there is a real likelihood that in the next decade a President will have to reach for influence and use it under much the same conditions we have known since the Second World War. If so, the men whose problems shed most light on the White House

prospects are Dwight David Eisenhower and Harry S. Truman. It is at them, primarily, that we shall look. To do so is to see the shadow of another, Franklin D. Roosevelt. They worked amidst the remnants of his voter coalition, and they filled an office that his practice had enlarged.

Our two most recent Presidents have had in common something that is likely to endure into our future: the setting for a great deal of their work. They worked in an environment of policy and politics marked by a high degree of continuity. To sense the continuity from Truman's time through Eisenhower's one need only place the newspapers of 1959 alongside those of 1949. Save for the issue of domestic communists, the subject matter of our policy and politics remains almost unchanged. We deal as we have done in terms of cold war, of an arms race, of a competition overseas, of danger from inflation, and of damage from recession. We skirmish on the frontiers of the Welfare State and in the borderlands of race relations. Aspects change, but labels stay the same. So do dilemmas. Everything remains unfinished business. Not in this century has there been comparable continuity from a decade's beginning to its end; count back from 1949 and this grows plain. There even has been continuity in the behavior of our national electorate; what Samuel Lubell nine years ago called "stalemate" in our partisan alignments has not broken yet.

The similarities in Truman's setting and in Eisenhower's give their years a unity distinct from the War Years, or the Depression Era, or the Twenties, or before. In governmental terms, at least, the fifteen years since V-J Day deserve a designation all their own. "Mid-century" will serve for present purposes. And what distinguishes mid-century can be put very briefly: emergencies in policy with politics as usual.

"Emergency" describes mid-century conditions only by the standards of the past. By present standards what would once have been emergency is commonplace. Policy dilemmas through the postwar period resemble past emergencies in one respect, their difficulty and complexity for government. Technological innovation, social and political change abroad, population growth at home impose enormous strains not only on the managerial equipment of

our policy-makers but also on their intellectual resources. The groupings of mature men at mid-century remind one of the intellectual confusions stemming from depression, thirty years ago, when men were also pushed past comprehension by the novelty of their condition. In our time innovation keeps us *constantly* confused; no sooner do we start to comprehend than something new is added, and we grope again. But unlike the Great Difficulties of the past, our policy dilemmas rarely produce what the country feels as “crisis.” Not even the Korean War brought anything approaching sustained national “consensus.” Since 1945 innumerable situations have been felt as crises inside government; there rarely has been comparable feeling outside government. In the era of the Cold War we have practiced “peacetime” politics. What else could we have done? Cold War is not a “crisis”; it becomes a way of life.

Our politics has been “as usual,” but only by the standard of past *crises*. In comparison with what was once normality, our politics has been *unusual*. The weakening of party ties, the emphasis on personality, the close approach of world events, the changeability of public moods, and above all the ticket-splitting, none of this was “usual” before the Second World War. The symbol of mid-century political conditions is the White House in one party’s hands with Congress in the other’s—a symbol plainly visible in eight of the past fifteen years and all but visible in four of the remaining seven. Nothing really comparable has been seen in this country since the Eighteen-eighties. And the Eighties were not troubled by emergencies in policy.

As for politics and policy combined, we have seen some precursors of our setting at mid-century. Franklin Roosevelt had a reasonably comparable setting in his middle years as President, though not in his first years and not after Pearl Harbor. Indeed, if one excepts the war, mid-century could properly be said to start with Roosevelt’s second term. Our recent situation is to be compared, as well, with aspects of the Civil War. Abraham Lincoln is much closer to us in condition than in time, the Lincoln plagued by Radicals and shunned by Democrats amidst the managerial and intellectual confusions of twentieth-century warfare in the nineteenth century.

And in 1919 Woodrow Wilson faced and was defeated by conditions something like our own. But save for these men one can say of Truman and of Eisenhower that they were the first who had to fashion presidential influence out of mid-century materials. Presumably they will not be the last.

3

We tend to measure Truman’s predecessors as though “leadership” consisted of initiatives in economics, or diplomacy, or legislation, or in mass communication. If we measured him and his successors so, they would be leaders automatically. A striking feature of our recent past has been the transformation into routine practice of the actions we once treated as exceptional. A President may retain liberty, in Woodrow Wilson’s phrase, “to be as big a man as he can.” But nowadays he cannot be as small as he might like.

Our two most recent Presidents have gone through all the motions we traditionally associate with strength in office. So will the man who takes the oath on January 20, 1961. In instance after instance the exceptional behavior of our earlier “strong” Presidents has now been set by statute as a regular requirement. Theodore Roosevelt once assumed the “steward’s” role in the emergency created by the great coal strike of 1902; the Railway Labor Act and the Taft-Hartley Act now make such interventions mandatory upon Presidents. The other Roosevelt once asserted personal responsibility for gauging and for guiding the American economy; the Employment Act binds his successors to that task. Wilson and F.D.R. became chief spokesmen, leading actors, on a world stage at the height of war; now UN membership, far-flung alliances, prescribe that role continuously in times termed “peace.” Through both world wars our Presidents grappled experimentally with an emergency-created need to “integrate” foreign and military policies; the National Security Act now takes that need for granted as a constant of our times. F.D.R. and Truman made themselves responsible for the development and first use of atomic weapons; the Atomic Energy Act now puts a comparable burden on the back of every President. And what has escaped statutory recognition has mostly been accreted into

presidential common law, confirmed by custom, no less binding: the “fireside chat” and the press conference, for example, or the personally presented legislative program, or personal campaigning in congressional elections.

In form all Presidents are leaders, nowadays. In fact this guarantees no more than that they will be clerks. Everybody now expects the man inside the White House to do something about everything. Laws and customs now reflect acceptance of him as the Great Initiator, an acceptance quite as widespread at the Capitol as at his end of Pennsylvania Avenue. But such acceptance does not signify that all the rest of government is at his feet. It merely signifies that other men have found it practically impossible to do *their* jobs without assurance of initiatives from him. Service for themselves, not power for the President, has brought them to accept his leadership in form. They find his actions useful in their business. The transformation of his routine obligations testifies to their dependence on an active White House. A President, these days, is an invaluable clerk. His services are in demand all over Washington. His influence, however, is a very different matter. Laws and customs tell us little about leadership in fact.

4

Why have our Presidents been honored with this clerkship? The answer is that no one else’s services suffice. Our Constitution, our traditions, and our politics provide no better source for the initiatives a President can take. Executive officials need decisions, and political protection, and a referee for fights. Where are these to come from but the White House? Congressmen need an agenda from outside, something with high status to respond to or react against. What provides it better than the program of the President? Party politicians need a record to defend in the next national campaign. How can it be made except by “their” Administration? Private persons with a public axe to grind may need a helping hand or they may need a grinding stone. In either case who gives more satisfaction than a President? And outside the United States, in every country where our policies and postures influence home

politics, there will be people needing just the “right” thing said and done or just the “wrong” thing stopped *in Washington*. What symbolizes Washington more nearly than the White House?

A modern President is bound to face demands for aid and service from five more or less distinguishable sources: from Executive officialdom, from Congress, from his partisans, from citizens at large, and from abroad. The Presidency’s clerkship is expressive of these pressures. In effect they are constituency pressures and each President has five sets of constituents. The five are not distinguished by their membership; membership is obviously an overlapping matter. And taken one by one they do not match the man’s electorate; one of them, indeed, is outside his electorate. They are distinguished, rather, by their different claims upon him. Initiatives are what they want, for five distinctive reasons. Since government and politics have offered no alternative, our laws and customs turn those wants into his obligations.

Why, then, is the President not guaranteed an influence commensurate with services performed? Constituent relations are relations of dependence. Everyone with any share in governing this country will belong to one (or two, or three) of his “constituencies.” Since everyone depends on him why is he not assured of everyone’s support? The answer is that no one else sits where he sits, or sees quite as he sees; no one else feels the full weight of his obligations. Those obligations are a tribute to his unique place in our political system. But just because it is unique they fall on him alone. *The same conditions that promote his leadership in form preclude a guarantee of leadership in fact.* No man or group at either end of Pennsylvania Avenue shares his peculiar status in our government and politics. That is why his services are in demand. By the same token, though, the obligations of all other men are different from his own. His Cabinet officers have departmental duties and constituents. His legislative leaders head *congressional* parties, one in either House. His national party organization stands apart from his official family. His political allies in the States need not face Washington, or one another. The private groups that seek him out are not compelled to govern. And friends abroad

are not compelled to run in our elections. Lacking his position and prerogatives, these men cannot regard his obligations as their own. They have their jobs to do; none is the same as his. As they

perceive their duty they may find it right to follow him, in fact, or they may not. Whether they will feel obliged *on their responsibility* to do what he wants done remains an open question...

34

The Presidential Policy Stream

Paul Light

Presidential policy is the product of a stream of people and ideas that flows through the White House. At the start of the term, the stream is often swollen with campaign promises and competing issues. The president's major task is to narrow the stream into a manageable policy agenda. By the end of the term, the stream is reduced to a trickle and the president's major task is to pass the initial programs and get re-elected.

The stream itself is composed of four currents that come together in the White House. The first current carries the *problems* that confront an administration during its term: budget deficits, energy shortages, international crises. The second current carries the different *solutions* that emerge as answers to the problems: tax and spending cuts, solar energy research, summit diplomacy. The third current carries the *assumptions* that define the problems and solutions: economic forecasts, missile tests, guesses about Soviet intentions. The fourth current carries the *players* who participate in the presidential policy debate: presidents, their staffs, cabinet members, commissions.

Although these four currents carry the essential ingredients of presidential policy, they

are narrowed into final decisions by two filters: *resources* and *opportunities*. Resources are needed to make and market the president's agenda; they include time and energy to make decisions, information and expertise to evaluate choices, public approval and party seats in Congress to win passage, and money and bureaucrats to implement final legislation. Opportunities are needed to present the national agenda to Congress and the public; these depend upon the ebb and flow of the major policy calendars and upon presidential cycles of increasing effectiveness and decreasing influence.

The four currents—problems, solutions, assumptions, and players—often flow together before they reach the presidency: problems find players; solutions find assumptions, problems find solutions, and so on. In theory, all potential problems, solutions, players, and assumptions exist somewhere in the presidential policy stream. In reality, presidents see only a fraction of the problems and solutions that merit attention. Most presidents deliberately structure the policy stream to limit the flow of problems and solutions to a manageable level, leaving the filtering decisions to the White House staff. Presidents who will not

From Paul Light, "The Presidential Policy Stream," in *The Presidency and the Political System*, ed. Michael Nelson (Washington, DC: CQ Press, 1984), pp. 423–448. Reprinted by permission.

delegate (Jimmy Carter) or do not watch the evolving process (Ronald Reagan) are sometimes overwhelmed. The key to narrowing the policy stream to a final agenda of presidential priorities—and to winning reelection or a place in history—is to combine the “right” problems with the “right” solutions, assumptions, and players. Presidents differ, of course, in their ability to make these matches.

Before looking at each policy current separately, it is important to recognize that, like a stream, the policy process is extremely fluid. A change of problems—from economics to defense, from foreign affairs to domestic programs—has a rippling effect on the rest of the stream. A change of players—from Alexander Haig to George Shultz, from Edwin Meese to James Baker—significantly affects the kinds of problems and solutions that emerge from the filtering process. A change of assumptions—from optimistic to pessimistic, from best-case to worst-case—has a major influence on players who control the winnowing decisions. And a change of solutions—from supply-side to tax-side, from MX race-track to MX dense-pack—affects assumptions and problems.

Moreover, because the process is so fluid, few fixed rules apply. There is no required sequence for channeling the four currents into a policy agenda; no rule on where to start. Although the filtering process generally begins with the selection of a problem and continues with a search for a solution, some decisions start with a solution and only then move to the problem. Still other decisions start with a pessimistic forecast or an ambitious staff player. The presidential policy stream often transcends constitutional and legal boundaries, taking on a life of its own. The very notion that there is a presidential policy stream suggests a dynamic, often unpredictable process that is much less mechanical and orderly than our civics books have led us to believe.

CURRENTS OF PRESIDENTIAL POLICY

Problems

Over time, the current of problems changes, and different issues merit presidential attention. The current includes old problems that have been discussed for decades and new problems that have just been noticed, large problems that appear to

be virtually unsolvable and small problems that border on the routine. Although some problems seem to demand presidential action because of their seriousness, presidents retain considerable discretion over the choice of issues for their policy agendas. In 1969, Richard Nixon concentrated on foreign problems—détente with the Soviet Union, the Vietnam War, a new China policy—while largely ignoring domestic policy. In 1977, Jimmy Carter concentrated on domestic problems—energy, hospital cost containment, electoral reform, welfare reform—at the expense of foreign policy. In 1981, Ronald Reagan concentrated on economic problems—inflation, budget deficits, tax rates—while largely avoiding foreign and domestic policy.

Although presidents have wide leeway, some problems move through the presidential policy stream with more visibility than others. Medical care for the aged was a prominent problem long before President John F. Kennedy selected it for his domestic agenda in 1961; welfare reform was a problem on at least two presidential agendas before Carter tackled it in 1977. The rise and fall of problems within the presidential policy stream involves the combined interests of Congress, lobbyists, bureaucrats, and presidents, all looking for problems that match their political and policy goals.

Once a problem is “discovered,” it may produce intense activity for several years. But hot issues usually cool off quickly. During the past decade, civil rights and education virtually disappeared from the domestic problem list, only to return as campaign issues for 1984. They were replaced by energy, welfare reform, social security deficits, and deregulation—issues that were not in the current 20 years ago.

The movement of problems within the presidential policy stream involves two simple patterns.¹ First, some problems surface so quickly and involve such controversy that all other issues are submerged. In 1981, Reagan’s tax and spending cuts dominated the presidential agenda; little room was left for competing issues, including school prayer and abortion, until 1982. Other issues may dominate the problem current, not because of their controversial nature, but because of their appeal as easy targets for presidential success. In the

late 1970s and early 1980s, economic deregulation greatly interested presidents: first railroad, then airline and trucking, now telecommunications. Second, some problems exhaust themselves over time, dropping from the policy currents. Often a problem proves so difficult that presidents and other policy makers finally let it drop. Richard Nixon, Gerald Ford, and Jimmy Carter all tried to tackle welfare reform and all eventually gave up.

On the other hand, some problems disappear from the presidential agenda because they appear to be resolved. One reason education dropped from the problem current is that Kennedy and Lyndon B. Johnson were remarkably successful in winning passage of their legislative agenda. Between 1961 and 1968, Congress passed a long string of education programs: aid to primary and secondary education, aid to higher education, Headstart, the Teacher Corps, library and school construction, school lunches, teacher education. For a decade after Johnson, many policy makers believed that the problems were solved. When education returned to the agenda in 1977, the problem was to build an executive department to house the programs as well as to find the money in a tight budget to pay for them. When education returned once more in 1983, however, the problem was defined as a decline in school quality, an implicit criticism of the Kennedy and Johnson programs. Perhaps some problems can never be completely resolved, returning at uncertain intervals in the policy stream.

Although individual problems come and go within the current, presidents generally think in terms of problem clusters: domestic, economic, defense and foreign affairs. Domestic and economic issues concern what happens *inside* the nation—even if the causes are international—while defense and foreign problems are about what happens *outside* the nation—even if the results are felt within the United States. These problem clusters are treated differently in the institutional presidency. Domestic problems usually move through the Office of Policy Development (known as the Domestic Council under Nixon and Ford, then as the Domestic Policy Staff under Carter); economic problems through the Council of Economic Advisers and the Office of Management and Budget; and foreign and defense problems through the National Security

Council. The players in each cluster are generally separate (domestic policy aides rarely interact with national security staff), and the lines of communication radiate to different corners of the executive branch. Yet even if presidents think in terms of these “subpresidencies,”² the distinctions frequently are blurred in reality. Foreign crises may cause severe economic problems at home; defense problems outside the United States may cause domestic problems, particularly if the solutions call for deep domestic spending cuts (Reagan) or draft registration (Carter).

Once the problem current enters the White House policy stream, the critical question is why some problems are selected and others ignored. Why did Carter pick energy shortages and welfare reform but neglect national health insurance? Why did Kennedy choose education and medical care for the aged but delay civil rights? Why did Reagan mention school prayer and tuition tax credits in his 1983 State of the Union address but not abortion? All problems carry some level of benefits that make them attractive to presidents. Although the levels vary from problem to problem, president to president, and year to year, they exist nonetheless. Theoretically, presidents could assign specific values to every problem in the policy stream, then choose the problems with the highest returns. Realistically, they can estimate only the rough rewards of one problem over another, either through public opinion or their own political instincts.

Ultimately, then, benefits are in the eye of the beholder. School prayer was an inviting problem for Ronald Reagan but of no interest to liberal Democrats; equal rights for women was an attractive problem for Gerald Ford but not for more conservative Republicans. The reason why one president will see value in a problem when another does not is goals. Presidents want to be reelected, because they care about their place in history, or because they truly believe the problems are important...

Solutions

Solutions to problems take the form of legislation, executive orders, regulations, symbolic maneuvers, vetoes, or commissions. Even doing nothing is a possible solution in the presidential policy stream...

The solution current has two basic features. First, each problem can have a number of potential solutions. As one Carter domestic policy aide told me: “There’s never any shortage of people telling you what to do. They come out from under every rock with their own answer to the problems. Energy is a great example. We got ideas ranging from solar to geothermal to coal gasification to offshore drilling to conservation. It was more an exercise in picking the right ones.”

Second, and more important, most solutions are designed to answer more than one problem. Indeed, when solutions are designed to solve multiple problems, the chances for legislative passage increase. Carter’s hospital cost containment plan was advertised as a solution to four different problems: inflation, by holding down medical costs; deficits, by holding down Medicare and Medicaid spending; social security bankruptcy, by freeing up room for higher payroll taxes; and urban health shortages, by providing more doctors for inner cities. That the program did not pass is a tribute to the combined efforts of the American Medical Association and the hospital lobbies, who did not agree that hospital cost containment was the proper solution to the various problems....

Solutions are actually the product of a string of decisions. First, presidents must decide whether to act. A president may understand the importance of a problem but still be unable or unwilling to propose a solution. A president may want the acclaim that comes from finding the problem but not the costs of winning a solution. Second, presidents then must decide just what to put into the solution. The choices are many. Should it involve legislation or executive action; include a specific proposal to Congress or an effort to veto a bill already passed; be new and innovative or a simple modification of past legislation; center on a large, complicated package or a small, modest bill; rely on spending or regulation to accomplish its ends; be short-term or leave more time for full implementation; be sent to Congress as a “take-it-or-leave-it” omnibus package or as a series of smaller, self-contained proposals? Although the list of questions is rarely so straightforward, each choice must be made at some point in the current of solutions.

Once the president decides to act, costs determine why some solutions are adopted and others ignored. Just as presidents weigh benefits in selecting problems, they measure costs in adopting solutions. First, presidents are very aware of *budget costs*. In an era of tight budgets and high deficits, new programs must pass the budget test before presidents will adopt them. Second, presidents assess *political costs*. Although presidents are interested in public reactions, they are concerned most directly with the question “Will it fly on Capitol Hill?” Presidents try to reduce their political costs in Congress by bargaining over pet projects, trading votes on other bills, assigning credit or blame, timing their requests to avoid overloading in important committees, lobbying to direct congressional attention to their priorities, and using the power of the presidency to stimulate public pressure. Certainly, trips to Camp David and invitations to White House dinners do not sway votes on major bills, but they do make it easier for members of Congress to stay in the habit of supporting the president longer.

Third, presidents are aware—sometimes only dimly—of *technical costs*. Unfortunately, the question “Will it work?” is asked only occasionally. Presidents appear much less concerned with workability than with budget and political costs. According to Martin Anderson, a domestic policy aide under Nixon and director of the Office of Policy Development under Reagan, Nixon’s 1969 welfare reform plan never passed the technical hurdle: “No one seemed to clearly comprehend that there was, in fact, no way out of the dilemma presented by the conflicting goals of reasonably high welfare payments, low tax rates, and low cost. To some it seemed that the plan was ‘such a good thing’ that the possibility of it not being possible was never seriously considered.”³

Presidents view costs, like benefits, differently. Among recent presidents, Reagan may be the most preoccupied with budget costs, while Johnson may have been overconcerned with politics. Since 1970, however, budget costs have become the dominant influence in the search for solutions. This major change in presidential policy making was evident in the Ford, Carter, and Reagan administrations: if a solution could not pass the budget hurdle, it was dropped. Concern with budgetary

effects is, of course, a product of staggering deficits since the early 1970s. Yet, as the budget has grown in importance, the attention to technical issues has declined. Reagan's supply-side economic program and defense expansion surmounted both the budget and political hurdles, but as Office of Management and Budget Director David Stockman acknowledged in an interview in *The Atlantic*, they never passed the test of workability.⁴ The critical issue is whether the three costs can ever be compatible. Do budget questions rule out potentially workable solutions? Do political costs conflict with budget considerations? And, if they are incompatible, which cost should come first?

Assumptions

Assumptions tell presidents what the world is like. They help presidents to understand the causes of problems and the effects of solutions. Some assumptions are based on complicated models of how the economy behaves; others are simple guesses about what the Soviets believe. Because there is always some uncertainty about how the world works, presidents often must make choices among competing assumptions. The president must decide, for example, whether the Soviets are basically evil (Reagan's assumption in a 1983 speech to evangelical Christians) or somewhat more humane (Carter's assumption until the invasion of Afghanistan).

As presidents make choices among competing problems and solutions, they must rely on the best available assumptions, which are themselves the results of subjective and sometimes conflicting estimates: How bad is the problem? Can it be solved? What are the benefits? How much will it cost? Will it work? What will the public think? When will the economy improve? Most of these questions cannot be answered in any objective sense. Presidents are no more gifted at fortunetelling than other human beings; they must rely on the best assumptions available. In early 1983, for example, Reagan was forced to choose between an optimistic economic forecast backed by supply-siders and a pessimistic forecast supported by more traditional advisers.

Assumptions may be the most important but least understood current in the presidential policy

stream. Assumptions help presidents to predict the future, understand the present, and analyze the past. They help players recognize problems and work out solutions. Because assumptions are not always based on a complete knowledge of objective reality, conflict in the White House over which assumptions should be made can be intense. Indeed, assumptions are sometimes designed after the fact to build support or undermine opposition. Presidents may select a problem and adopt a solution for political, philosophical, or personal reasons, and only then prepare the evidence of need. Moreover, because presidents often see the world as they want it to be, not as it actually is, assumptions can become the critical flaw in a presidential program. For example, Reagan's overly optimistic assumption of economic recovery early in his term made change more difficult later on.

The role of assumptions in the presidential policy stream has become increasingly important during the last decade. In the 1970s, spending on federal programs, including Social Security, was increased automatically with rises in the Consumer Price Index (CPI). Thus, assumptions about future inflation became crucial for forecasting budget deficits. Much of what government now does is "uncontrollable" in the normal legislative process; thus assumptions have become the central element in telling policy makers when and where to act.

Players

Several thousand people actively engage in presidential policy making: White House staffers, cabinet secretaries, OMB analysts, bureaucrats, old friends, pollsters, the first lady, the vice president, and a host of lesser lights. Certainly the most important player is the president. As Abraham Lincoln once said to his cabinet after a heated debate: "One Aye, Seven Nays. The Ayes have it." Yet the mix of players can have an important bearing on the president's final decisions. When Shultz replaced Haig as Reagan's secretary of state, the constellation of advice changed immediately. As a former director of OMB and secretary of the Treasury, Shultz brought a much stronger economic background to his foreign policy views. Suddenly international trade was elevated as a

problem in the Reagan White House. Shultz also began to participate in White House debates on the economy. He was widely seen as a powerful force in persuading Reagan of the need for a pessimistic budget forecast in 1983, as well as deeper defense cuts. There is no question that Shultz changed the direction of the Reagan agenda. Nor is there any doubt that Shultz had to compete with and against other players for the president's support.

At least four major offices fight to influence the president's policy agenda. The largest is the *Office of Management and Budget*, which has primary control over the president's annual budget and the legislative clearance process. Each year federal departments are required to submit detailed budgets and legislative priorities to OMB, which reviews all of the requests, makes "final" budget decisions, and assigns priorities to each piece of legislation. Budget and clearance responsibilities give OMB considerable leverage in dealing with the president and the executive branch, and in Stockman's first months as Reagan's budget director they were skillfully manipulated.

The second major policy office is the *Council of Economic Advisers*, which is responsible for preparing the president's annual economic report and thereby has an important role in developing the most important set of forecasts and projections. However, unlike OMB, CEA has no formal power over the budget or legislation. The OMB director is guaranteed access to the White House, but the CEA chairman must battle for a chance to speak. Reagan's first CEA chairman, Murray Weidenbaum, was unable to crack Stockman's control of economic advice; his replacement, Martin Feldstein, was initially more successful.

The third major policy agency is the *Office of Policy Development*, which originally was named the Domestic Council in 1970. OPD is primarily responsible for the review of domestic policy issues for possible elevation to the president's agenda. Unlike OMB, which reviews all executive branch requests, OPD can be more selective, performing an important role in bringing major problems and solutions to the president's attention. OPD is the domestic counterpart of the fourth major policy office, the *National Security Council*. The NSC staff acts as a much smaller version of the

departments of State and Defense and has evolved into a powerful alternative source of advice.⁵

Perhaps the most important feature of these four offices is their competition *against* the executive branch for White House influence. CEA competes with the Treasury Department; OPD competes with Health and Human Service, Housing and Urban Development, and Transportation, among others; NSC competes with State and Defense; OMB competes with almost all of the departments. Although departments sometimes gain a measure of influence through a skillful secretary, the White House policy offices have an important advantage in their proximity to the president. In the "us-versus-them" mentality that often dominates the White House, presidents frequently conclude that the executive branch simply cannot be trusted to follow the presidential point of view faithfully.

Within the White House, however, the four policy offices are not the only competitors. The Congressional Relations Office, Public Liaison Office, Vice President's Office, Office of the Trade Representative, Counsel's Office, and Press Office participate in the policy debate, usually through the device of a "paper loop" that circulates proposals within the White House. At the very top, the president's chief of staff exercises the ultimate control over the movement of ideas in and out of the Oval Office. H. R. Haldeman (Nixon), Donald Rumsfeld (Ford), Hamilton Jordan (Carter), and Edwin Meese, James Baker, and Michael Deaver (Reagan) all became powerful "gate keepers" in the presidential policy stream. . . .

THE FILTERING PROCESS

As the policy stream flows through the White House, presidents must choose among the competing problems, solutions, assumptions, and players that make up the policy agenda. Because presidents cannot do everything, they must narrow the stream to a rather short list of priorities.

This presidential filtering process must serve two often competing demands in the policy stream. First, the filtering process must *merge* problems, solutions, assumptions, and players into final decisions. When the process fails, presidential proposals may face immediate defeat.

Reagan's 1981 Social Security package, rejected by the Senate 96 to 0, is an example of a decision that moved through the filtering process without being matched with the political players. Second, the filtering process must *regulate* the flow of problems and solutions into the Oval Office. If too few items reach the president, important problems, solutions, assumptions, and players may be neglected. If too many items come to his attention, serious overloading may result....

In the search for the best match of problems, solutions, assumptions, and players, the policy stream expands to include a wider current of ideas. In regulating the flow into the president, however, the stream must narrow. Here the important question is "How much is enough?" How many problems should a president tackle? How many solutions should be reviewed? How many players should be involved? While Carter spread himself over too many problems, perhaps Reagan limited himself to too few. While Kennedy opened the stream to too many players, perhaps Nixon did not listen to enough ...

As presidents try to both merge and regulate the policy stream, they rely on two filters: resources and opportunities. As problems, solutions, assumptions, and players pass through these two filters, final decisions are set.

Resources

Resources "pay" for the final decisions presidents make. Some resources pay the costs of arriving at the decisions; others pay the costs of winning congressional passage; still others pay the costs of implementing the policies. Three basic kinds of resources are used for decision making, political marketing, and program implementation. These resources finance the presidential agenda.

DECISION-MAKING RESOURCES. The most basic decision-making resource is *time*. Players need time to digest new ideas, form coalitions to influence the president, and review solutions. Similarly, problems need time to find sponsors, build public support, and locate solutions. In theory, each presidential term starts with 1,461 days. In reality, the start of the reelection campaign early in the third year limits the available policy time to

approximately 700 days. For particular policies, time can be much shorter. According to Stockman, there were only 20 to 25 days to build the Reagan economic program at the start of 1981.

Energy is a second decision-making resource. One only has to look at the "before" and "after" pictures of presidents to notice the wearing effect of the office on the individual. Similarly, some problems, solutions, and assumptions consume more energy than others. Few Carter staff members would equate the stress of the Iranian hostage crisis with the lesser demands of routine domestic policy.

A third decision-making resource is *information*. Knowledge about problems, solutions, and assumptions often varies significantly. Presidents can predict the accuracy of an MX missile within 200 yards on a normal East-to-West flight range but do not know the accuracy on the North-South arctic path to the Soviet Union. What would the magnetic fields at the North Pole do to the complex MX-guidance system? Presidents still have few proven theories on how the Social Security program affects the economy. As one economist warned the National Commission on Social Security Reform, "relatively little good evidence" is available to policy makers on the subject. Using the "best that economic theory and statistical techniques have to offer," economists "have produced a series of studies that can be selectively cited by the true believers of conflicting hunches or by people with political agendas that they seek to advance."⁶

A final decision-making resource is *expertise*. This resource applies specifically to the players, who must know how to bring problems, solutions, and assumptions together into final decisions. Policy expertise is more than the sum of an individual's experience in government. It is the skill that comes from learning.

POLITICAL RESOURCES. The policy stream also absorbs political resources. As Vice President Mondale noted on leaving office, "a president ... starts out with a bank full of good will and slowly checks are drawn on that, and it's very rare that it's replenished. It's a one-time deposit."⁷ This political capital is composed of public approval and seats in Congress. For several reasons, among

them the simple decay of support and presidential mistakes, capital is depleted during the term. At least since 1960, all presidents have experienced a loss in public support over time; since 1934, all presidents have lost party seats in Congress in every midterm election. Like Mondale, many White House players see political capital as a finite resource that is spent with each choice of a problem, solution, or assumption. Clearly, some problems, solutions, and assumptions are more “expensive” politically than others.

PROGRAM RESOURCES. Just as presidents need resources to make and sell final decisions, they need them for implementation, that is, for converting legislation into actual government activity. The most basic program resources are federal dollars and employees. However, program resources also can include supplies, land, computer time, and new equipment. Carter’s MX missile “racetrack” plan had a staggering list of resource needs. Designed as an elaborate shell game in the Nevada-Utah desert, the program required 200 MX missiles, numerous decoy missiles, 4,600 hardened concrete shelters, 8,500 miles of heavy-duty roadbed, huge new trucks to carry the missiles, new launchers, new computers, and 40,000 square miles of land. Each of the 200 missiles cost \$50 million in the Carter budget, but construction and maintenance expenses of the entire program would have boosted the final price tag to \$500 million per missile. Moreover, construction required 50,000 workers, 190 billion gallons of water, and 100 million tons of concrete—all to be transported somehow to the desert. Critics argued that construction alone would have caused a decade-long concrete shortage....

Opportunities

Once the filtering process has merged a problem with a solution, a set of assumptions, and a collection of players, and has found the decision-making, political, and program resources to pay for the combination, the White House must decide when to present the idea to Congress and the public. With the steady increase in its workload, in particular more committee and subcommittee meetings and greater constituency demands,

Congress offers fewer opportunities for presidential influence. Indeed, one of Carter’s critical mistakes in filtering his legislative agenda was to flood the congressional tax-writing committees with proposals. Most of Carter’s program had to move through the Senate Finance Committee and House Ways and Means Committee. His economic stimulus package (January 1977), hospital cost containment plan (April 1977), Social Security financing proposal (May 1977), welfare reform bill (August 1977), urban assistance plan (January 1978), and tax reform measure (January 1978) all moved through Congress with little thought of the opportunities for legislative review.

POLICY CALENDAR. The timing of the president’s requests to Congress is critical to their success. According to John Kessel, there is a presidential policy cycle that begins sometime “after Labor Day when programs to be proposed to Congress are readied. Fall is probably the time of the heaviest work load for the policy-staffer in the White House, because work is still progressing on Capitol Hill on the present year’s program at the same time preparations for the next year are being made.”⁸ The calendar continues with basic choices on the budget in December, major messages to Congress in January and February (including the State of the Union address, the budget message, and the economic report), congressional decision making in the spring and summer, vacations in August, and a return to planning in September and October....

CYCLES OF INFLUENCE. Although presidents are guaranteed a certain number of opportunities to introduce policy when they enter office—four State of the Unions, four budgets, etc.—they can create additional opportunities through the *cycle of increasing effectiveness*. Whatever the initial level of information and expertise, presidents and their staffs learn over time, becoming more effective in managing their scarce opportunities. Carter, for example, became more adept at handling Congress as his term wore on and he learned how to use his limited policy opportunities. Presidents can create opportunities for new ideas through carefully staged public events or through skillful manipulation of the press. A president’s effectiveness in using these informal

opportunities always grows over time, as a simple byproduct of learning the ropes.

Just as presidents can create opportunities through the cycle of increasing effectiveness, they can lose opportunities through the *cycle of decreasing influence*. As public approval and party seats drop during the term—one month-to-month, the other at the midterm election—presidents lose opportunities for influence. Even though they become more effective at finding opportunities for ideas, Congress and the public become less interested. Moreover, even the formal opportunities lose effectiveness later in the term. Major messages, televised addresses, and press conferences carry less weight.

Filtering and Policy

Why are resources and opportunities so important as policy filters? The reason is that presidents enter office with different amounts of each. Ford had only two years in his brief term, Johnson had five. Ford had fewer than 150 party faithful in the House, Johnson once had more than 290. Carter and Reagan had little expertise in national policy making, Nixon had little in domestic affairs. Carter's Georgia staff had little background in national policy, too, which left considerable room for learning, while Reagan's legislative staff had considerable expertise in legislative lobbying. These kinds of differences tell a great deal about the policy stream as it flows through an administration. The resources and opportunities at the start of a term determine both the quantity and quality of the president's policy agenda.

CONCLUSION

If presidential policy is the product of a highly dynamic stream, the final issue is whether the stream has changed its course during the past decades. The problems have changed, but have they become more difficult? Is cutting government spending more difficult than increasing it? Kennedy and Johnson selected problems that seemed to demand expanded government, while Carter and Reagan picked problems that seemed to require contracted government. Nor did Kennedy and Johnson have to tackle any of the

new "single issues" such as abortion and school prayer. Perhaps the most important change in the past 20 years has been the rise of a new class of "constituentless" issues—problems, such as energy conservation, which have few supporters but many potential enemies.

The solutions also have changed. Spending and regulation are no longer the popular response to national problems, but it is not yet clear what kinds of solutions will replace them. The players have changed, too. The rise of the National Security Council staff and the Office of Policy Development has shaped a new pool of players who compete for the president's attention and support. Moreover, most White House aides argue that interest groups are penetrating further into the policy process in recent years. As presidents reach out to interest groups to help pass their programs, interest groups reach further in to draft legislation and influence decisions.

Perhaps the most important area of change—or lack of change—is in assumptions. Despite new methods of forecasting and computer analysis, presidents do not seem much closer to being able to predict problems or solutions accurately. Much of the policy process still rests on best guesses about what will or will not happen. Even in the very short-term, players have difficulty predicting what will happen. Stockman was willing to admit in early 1983 that we cannot predict even the next year, let alone five years out. That may be the most serious obstacle to presidents as they continue to search for problems and solutions. If problems are more controversial in this era of single-issue politics, if solutions are more constrained by tight budgets and personnel shortages, if players are more competitive for presidential influence, there is even greater need for accurate assumptions. Unfortunately, presidents still look into their crystal balls and see pretty much what they want to see.

End Notes

1. See Jack L. Walker, "Setting the Agenda in the U.S. Senate: A Theory of Problem Selection," *British Journal of Political Science* (1977): 438.
2. Thomas E. Cronin, *The State of the Presidency* (Boston: Little, Brown & Co., 1980), 143–186.

3. Martin Anderson, *Welfare: The Political Economy of Welfare Reform in the United States* (Stanford, Cal.: Hoover Institution Press, 1978), 143–144.
4. William Greider, “The Education of David Stockman,” *The Atlantic*, 248 (December 1981): 38, 44–47.
5. I. M. Destler, “National Security II: The Rise of the Assistant (1961–1981),” in *The Illusion of Presidential Government*, ed. Hugh Heclo and Lester M. Salamon (Boulder, Colo.: Westview Press, 1982.)
6. Henry Aaron, *Economic Effects of Social Security* (Washington: The Brookings Institution, 1983), 51, 82.
7. *Washington Post*, January 21, 1981, A-24.
8. John Kessel, *The Domestic Presidency* (Boston: Duxbury Press, 1975), 9.

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The Rise of the Bureaucratic State

James Q. Wilson

During its first 150 years, the American republic was not thought to have a “bureaucracy,” and thus it would have been meaningless to refer to the “problems” of a “bureaucratic state.” There were, of course, appointed civilian officials: Though only about 3,000 at the end of the Federalist period, there were about 95,000 by the time Grover Cleveland assumed office in 1881, and nearly half a million by 1925. Some aspects of these numerous officials were regarded as problems—notably, the standards by which they were appointed and the political loyalties to which they were held—but these were thought to be matters of proper character and good management. The great political and constitutional struggles were not over the power of the administrative apparatus, but over the power of the President, of Congress, and of the states.

The Founding Fathers had little to say about the nature or function of the executive branch of the new government. The Constitution is

virtually silent on the subject and the debates in the Constitutional Convention are almost devoid of reference to an administrative apparatus. This reflected no lack of concern about the matter, however. Indeed, it was in part because of the Founders’ depressing experience with chaotic and inefficient management under the Continental Congress and the Articles of Confederation that they had assembled in Philadelphia. Management by committees composed of part-time amateurs had cost the colonies dearly in the War of Independence and few, if any, of the Founders wished to return to that system. The argument was only over how the heads of the necessary departments of government were to be selected, and whether these heads should be wholly subordinate to the President or whether instead they should form some sort of council that would advise the President and perhaps share in his authority. In the end, the Founders left it up to Congress to decide the matter.

From James Q. Wilson, “The Rise of the Bureaucratic State,” *The Public Interest*, No. 41 (Fall 1975). Reprinted by permission.

There was no dispute in Congress that there should be executive departments, headed by single appointed officials, and, of course, the Constitution specified that these would be appointed by the President with the advice and consent of the Senate. The only issue was how such officials might be removed. After prolonged debate and by the narrowest of majorities, Congress agreed that the President should have the sole right of removal, thus confirming that the infant administrative system would be wholly subordinate—in law at least—to the President. Had not Vice President John Adams, presiding over a Senate equally divided on the issue, cast the deciding vote in favor of Presidential removal, the administrative departments might conceivably have become legal dependencies of the legislature, with incalculable consequences for the development of the embryonic government.

THE “BUREAUCRACY PROBLEM”

The original departments were small and had limited duties. The State Department, the first to be created, had but nine employees in addition to the Secretary. The War Department did not reach 80 civilian employees until 1801; it commanded only a few thousand soldiers. Only the Treasury Department had substantial powers—it collected taxes, managed the public debt, ran the national bank, conducted land surveys, and purchased military supplies. Because of this, Congress gave the closest scrutiny to its structure and its activities.

The number of administrative agencies and employees grew slowly but steadily during the 19th and early 20th centuries and then increased explosively on the occasion of World War I, the Depression, and World War II. It is difficult to say at what point in this process the administrative system became a distinct locus of power or an independent source of political initiatives and problems. What is clear is that the emphasis on the sheer *size* of the administrative establishment—conventional in many treatments of the subject—is misleading.

The government can spend vast sums of money—wisely or unwisely—without creating that set of conditions we ordinarily associate with the bureaucratic state. For example,

there could be massive transfer payments made under government auspices from person to person or from state to state, all managed by a comparatively small staff of officials and a few large computers. In 1971, the federal government paid out \$54 billion under various social insurance programs, yet the Social Security Administration employs only 73,000 persons, many of whom perform purely routine tasks.

And though it may be harder to believe, the government could in principle employ an army of civilian personnel without giving rise to those organizational patterns that we call bureaucratic. Suppose, for instance, that we as a nation should decide to have in the public schools at least one teacher for every two students. This would require a vast increase in the number of teachers and school rooms, but almost all of the persons added would be performing more or less identical tasks, and they could be organized into very small units (e.g., neighborhood schools). Though there would be significant overhead costs, most citizens would not be aware of any increase in the “bureaucratic” aspects of education—indeed, owing to the much greater time each teacher would have to devote to each pupil and his or her parents, the citizen might well conclude that there actually had been a substantial reduction in the amount of “bureaucracy.”

To the reader predisposed to believe that we have a “bureaucracy problem,” these hypothetical cases may seem farfetched. Max Weber, after all, warned us that in capitalist and socialist societies alike, bureaucracy was likely to acquire an “overtowering” power position. Conservatives have always feared bureaucracy, save perhaps the police. Humane socialists have frequently been embarrassed by their inability to reconcile a desire for public control of the economy with the suspicion that a public bureaucracy may be as immune to democratic control as a private one. Liberals have equivocated, either dismissing any concern for bureaucracy as reactionary quibbling about social progress, or embracing that concern when obviously nonreactionary persons (welfare recipients, for example) express a view toward the Department of Health, Education, and Welfare indistinguishable from the view businessmen take of the Internal Revenue Service.

POLITICAL AUTHORITY

There are at least three ways in which political power may be gathered undesirably into bureaucratic hands: by the growth of an administrative apparatus so large as to be immune from popular control, by placing power over a governmental bureaucracy of any size in private rather than public hands, or by vesting discretionary authority in the hands of a public agency so that the exercise of that power is not responsive to the public good. These are not the only problems that arise because of bureaucratic organization. From the point of view of their members, bureaucracies are sometimes uncaring, ponderous, or unfair; from the point of view of their political superiors, they are sometimes unimaginative or inefficient; from the point of view of their clients, they are sometimes slow or unjust. No single account can possibly treat of all that is problematic in bureaucracy; even the part I discuss here—the extent to which political authority has been transferred undesirably to an unaccountable administrative realm—is itself too large for a single essay. But it is, if not the most important problem, then surely the one that would most have troubled our Revolutionary leaders, especially those that went on to produce the Constitution. It was, after all, the question of power that chiefly concerned them, both in redefining our relationship with England and in finding a new basis for political authority in the Colonies.

To some, following in the tradition of Weber, bureaucracy is the inevitable consequence and perhaps necessary concomitant of modernity. A money economy, the division of labor, and the evolution of legal-rational norms to justify organizational authority require the efficient adaptation of means to ends and a high degree of predictability in the behavior of rulers. To this, Georg Simmel added the view that organizations tend to acquire the characteristics of those institutions with which they are in conflict, so that as government becomes more bureaucratic, private organizations—political parties, trade unions, voluntary associations—will have an additional reason to become bureaucratic as well.

By viewing bureaucracy as an inevitable (or, as some would put it, “functional”) aspect

of society, we find ourselves attracted to theories that explain the growth of bureaucracy in terms of some inner dynamic to which all agencies respond and which makes all barely governable and scarcely tolerable. Bureaucracies grow, we are told, because of Parkinson’s Law: Work and personnel expand to consume the available resources. Bureaucracies behave, we believe, in accord with various other maxims, such as the Peter Principle: In hierarchical organizations, personnel are promoted up to that point at which their incompetence becomes manifest—hence, all important positions are held by incompetents. More elegant, if not essentially different, theories have been propounded by scholars. The tendency of all bureaus to expand is explained by William A. Niskanen by the assumption, derived from the theory of the firm, that “bureaucrats maximize the total budget of their bureau during their tenure”—hence, “all bureaus are too large.” What keeps them from being not merely too large but all-consuming is the fact that a bureau must deliver to some degree on its promised output, and if it consistently underdelivers, its budget will be cut by unhappy legislators. But since measuring the output of a bureau is often difficult—indeed, even *conceptualizing* the output of the State Department is mind-boggling—the bureau has a great deal of freedom within which to seek the largest possible budget.

Such theories, both the popular and the scholarly, assign little importance to the nature of the tasks an agency performs, the constitutional framework in which it is embedded, or the preferences and attitudes of citizens and legislators. Our approach will be quite different: Different agencies will be examined in historical perspective to discover the kinds of problems, if any, to which their operation gave rise, and how those problems were affected—perhaps determined—by the tasks which they were assigned, the political system in which they operated, and the preferences they were required to consult. What follows will be far from a systematic treatment of such matters, and even farther from a rigorous testing of any theory of bureaucratization: Our knowledge of agency history and behavior is too sketchy to permit that...

BUREAUCRACY AND CLIENTELISM

After 1861, the growth in the federal administrative system could no longer be explained primarily by an expansion of the postal service and other traditional bureaus. Though these continued to expand, new departments were added that reflected a new (or at least greater) emphasis on the enlargement of the scope of government. Between 1861 and 1901, over 200,000 civilian employees were added to the federal service, only 52 per cent of whom were postal workers. Some of these, of course, staffed a larger military and naval establishment stimulated by the Civil War and the Spanish-American War. By 1901 there were over 44,000 civilian defense employees, mostly workers in government-owned arsenals and shipyards. But even these could account for less than one fourth of the increase in employment during the preceding 40 years.

What was striking about the period after 1861 was that the government began to give formal, bureaucratic recognition to the emergence of distinctive interests in a diversifying economy. As Richard L. Schott has written, “whereas earlier federal departments had been formed around specialized governmental functions (foreign affairs, war, finance, and the like), the new departments of this period—Agriculture, Labor, and Commerce—were devoted to the interests and aspirations of particular economic groups.”

The original purpose behind these clientele-oriented departments was neither to subsidize nor to regulate, but to promote, chiefly by gathering and publishing statistics and (especially in the case of agriculture) by research. The formation of the Department of Agriculture in 1862 was to become a model, for better or worse, for later political campaigns for government recognition. A private association representing an interest—in this case the United States Agricultural Society—was formed. It made every President from Fillmore to Lincoln an honorary member, it enrolled key Congressmen, and it began to lobby for a new department. The precedent was followed by labor groups, especially the Knights of Labor, to secure creation in 1888 of a Department of Labor. It was broadened in 1903 to be a Department of Commerce and Labor, but 10 years later, at the insistence of the American Federation of Labor,

the parts were separated and the two departments we now know were formed.

There was an early 9th-century precedent for the creation of these client-serving departments: the Pension Office, then in the Department of the Interior. Begun in 1833 and regularized in 1849, the Office became one of the largest bureaus of the government in the aftermath of the Civil War, as hundreds of thousands of Union Army veterans were made eligible for pensions if they had incurred a permanent disability or injury while on military duty; dependent widows were also eligible if their husbands had died in service or of service-connected injuries. The Grand Army of the Republic (GAR), the leading veterans’ organization, was quick to exert pressure for more generous pension laws and for more liberal administration of such laws as already existed. In 1879 Congressmen, noting the number of ex-servicemen living (and voting) in their states, made veterans eligible for pensions retroactively to the date of their discharge from the service, thus enabling thousands who had been late in filing applications to be rewarded for their dilatoriness. In 1890 the law was changed again to make it unnecessary to have been injured in the service—all that was necessary was to have served and then to have acquired a permanent disability by any means other than through “their own vicious habits.” And whenever cases not qualifying under existing law came to the attention of Congress, it promptly passed a special act making those persons eligible by name.

So far as is known, the Pension Office was remarkably free of corruption in the administration of this windfall—and why not, since anything an administrator might deny, a legislator was only too pleased to grant. By 1891 the Commissioner of Pensions observed that his was “the largest executive bureau in the world.” There were over 6,000 officials supplemented by thousands of local physicians paid on a fee basis. In 1900 alone, the Office had to process 477,000 cases. Fraud was rampant as thousands of persons brought false or exaggerated claims; as Leonard D. White was later to write, “pensioners and their attorneys seemed to have been engaged in a gigantic conspiracy to defraud their own government.” Though the Office struggled

to be honest, Congress was indifferent—or more accurately, complaisant: The GAR was a powerful electoral force and it was ably and lucratively assisted by thousands of private pension attorneys. The pattern of bureaucratic clientelism was set in a way later to become a familiar feature of the governmental landscape—a subsidy was initially provided, because it was either popular or unnoticed, to a group that was powerfully benefited and had few or disorganized opponents; the beneficiaries were organized to supervise the administration and ensure the funding of the program; the law authorizing the program, first passed because it seemed the right thing to do, was left intact or even expanded because politically it became the only thing to do. A benefit once bestowed cannot easily be withdrawn.

PUBLIC POWER AND PRIVATE INTERESTS

It was at the state level, however, that client-oriented bureaucracies proliferated in the 19th century. Chief among these were the occupational licensing agencies. At the time of Independence, professions and occupations either could be freely entered (in which case the consumer had to judge the quality of service for himself) or entry was informally controlled by the existing members of the profession or occupation by personal tutelage and the management of reputations. The latter part of the 19th century, however, witnessed the increased use of law and bureaucracy to control entry into a line of work. The state courts generally allowed this on the grounds that it was a proper exercise of the “police power” of the state, but as Morton Keller has observed, “when state courts approved the licensing of barbers and blacksmiths, but not of horse-shoers, it was evident that the principles governing certification were—to put it charitably—elusive ones.” By 1952, there were more than 75 different occupations in the United States for which one needed a license to practice, and the awarding of these licenses was typically in the hands of persons already in the occupation, who could act under color of law. These licensing boards—for plumbers, dry cleaners, beauticians, attorneys, undertakers, and the like—frequently have been criticized

as particularly flagrant examples of the excesses of a bureaucratic state. But the problems they create—of restricted entry, higher prices, and lengthy and complex initiation procedures—are not primarily the result of some bureaucratic pathology but of the possession of public power by persons who use it for private purposes. Or more accurately, they are the result of using public power in ways that benefited those in the profession in the sincere but unsubstantiated conviction that doing so would benefit the public generally.

The New Deal was perhaps the high water mark of at least the theory of bureaucratic clientelism. Not only did various sectors of society, notably agriculture, begin receiving massive subsidies, but the government proposed, through the National Industrial Recovery Act (NRA), to cloak with public power a vast number of industrial groupings and trade associations so that they might control production and prices in ways that would end the depression. The NRA’s Blue Eagle fell before the Supreme Court—the wholesale delegation of public power to private interests was declared unconstitutional. But the piecemeal delegation was not, as the continued growth of specialized promotional agencies attests. The Civil Aeronautics Board, for example, erroneously thought to be exclusively a regulatory agency, was formed in 1938 “to promote” as well as to regulate civil aviation and it has done so by restricting entry and maintaining above-market rate fares.

Agriculture, of course, provides the leading case of clientelism. Theodore J. Lowi finds “at least 10 separate, autonomous, local self-governing systems” located in or closely associated with the Department of Agriculture that control to some significant degree the flow of billions of dollars in expenditures and loans. Local committees of farmers, private farm organizations, agency heads, and committee chairmen in Congress dominate policy-making in this area—not, perhaps, to the exclusion of the concerns of other publics, but certainly in ways not powerfully constrained by them...

SELF-PERPETUATING AGENCIES

If the Founding Fathers were to return to examine bureaucratic clientelism, they would, I suspect, be deeply discouraged. James Madison clearly

foresaw that American society would be “broken into many parts, interests and classes of citizens” and that this “multiplicity of interests” would help ensure against “the tyranny of the majority,” especially in a federal regime with separate branches of government. Positive action would require a “coalition of a majority”; in the process of forming this coalition, the rights of all would be protected, not merely by self-interested bargains, but because in a free society such a coalition “could seldom take place on any other principles than those of justice and the general good.” To those who wrongly believed that Madison thought of men as acting only out of base motives, the phrase is instructive: Persuading men who disagree to compromise their differences can rarely be achieved solely by the parceling out of relative advantage; the belief is also required that what is being agreed to is right, proper, and defensible before public opinion.

Most of the major new social programs of the United States, whether for the good of the few or the many, were initially adopted by broad coalitions appealing to general standards of justice or to conceptions of the public weal. This is certainly the case with most of the New Deal legislation—notably such programs as Social Security—and with most Great Society legislation—notably Medicare and aid to education; it was also conspicuously the case with respect to post-Great Society legislation pertaining to consumer and environmental concerns. State occupational licensing laws were supported by majorities interested in, among other things, the contribution of these statutes to public safety and health.

But when a program supplies particular benefits to an existing or newly created interest, public or private, it creates a set of political relationships that make exceptionally difficult further alteration of that program by coalitions of the majority. What was created in the name of the common good is sustained in the name of the particular interest. Bureaucratic clientelism becomes self-perpetuating, in the absence of some crisis or scandal, because a single interest group to which the program matters greatly is highly motivated and well-situated to ward off the criticisms of other groups that have a broad but weak interest in the policy.

In short, a regime of separated powers makes it difficult to overcome objections and contrary interests sufficiently to permit the enactment of a new program or the creation of a new agency. Unless the legislation can be made to pass either with little notice or at a time of crisis or extraordinary majorities—and sometimes even then—the initiation of new programs requires public interest arguments. But the same regime works to protect agencies, once created, from unwelcome change because a major change is, in effect, new legislation that must overcome the same hurdles as the original law, but this time with one of the hurdles—the wishes of the agency and its client—raised much higher. As a result, the Madisonian system makes it relatively easy for the delegation of public power to private groups to go unchallenged and, therefore, for factional interests that have acquired a supportive public bureaucracy to rule without submitting their interests to the effective scrutiny and modification of other interests....

Regulation: Politics, Bureaucracy, and Economics

Kenneth J. Meier

The study of regulatory policymaking is dominated by two perspectives (Weingast and Moran, 1983).¹ One view holds that regulatory agencies are vested with vast discretion and are the major force in regulatory policy. Among the agency characteristics that affect policy outputs are professional values, policy expertise, bureaucratic entrepreneurs, and agency structure (e.g., see Wilson, 1980; Katzman, 1980).² A second view suggests that regulatory agencies are dominated by their environment. Interest groups, legislative committees, economic forces, and technological change are among the determinants of policy (e.g., see Stigler, 1971; Lowi, 1969; Mazmanian and Sabatier, 1980).³ Both views are essentially incomplete. Regulatory policy is a product of both regulatory bureaucracies and environmental forces. This chapter develops an outline of the regulatory process that integrates both these explanations. Although the conceptual framework developed is moderately complex, so is regulatory policy. Little is gained by introducing simple views of regulation that are not linked to the real world.

REGULATORY POLICY OUTPUTS

The study of regulation is important because it is part of the policy process that allocates values among members of society. It is, as Lasswell⁴

(1936) described politics, a determination of “Who gets what, when and how.” In short, what is important about regulatory policy from a political perspective is, Who benefits from regulation?

Although much regulation literature has focused on who benefits from regulation, this focus has been muddied by relying on the concept of the public interest. Bernstein’s (1955)⁵ theory that regulatory agencies in the long run were captured by the regulated industries contrasted reality with an ideal standard of regulation in the public interest (see also Stigler, 1971; Peltzman, 1976).⁶ Unfortunately, defining the public interest in regulatory policy has been as elusive as it has been in other areas of politics (see Schubert, 1960).⁷ Even the most self-serving appeal by a regulated group is now phrased as a quest for the public interest.

In a perceptive essay, Paul Sabatier (1977)⁸ proposed an alternative to the public interest theory of regulation; regulatory policy can be arrayed on a continuum from self-regulation (regulation in the interests of the regulated) to aggressive regulation (regulation of one individual in the interests of another).⁹ Sabatier’s thesis can be divided into two separate dimensions—the degree to which regulation benefits the regulated industry and the degree to which it benefits non-regulated individuals such as consumers. These

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are two separate dimensions rather than poles on a single continuum.

As figure 36.1 reveals, the two dimensions of beneficiaries produce four extreme types of regulation. Cell 1 contains policies designed to benefit the regulated but not the nonregulated, the traditional “captured” regulation. Regulation by state occupational regulators is a classic example of cell 1 regulation. Cell 3 contains those policies whereby an industry is regulated for the benefit of another party. Occupational safety and health regulation, for example, restricts industry behavior in an attempt to benefit workers. Cell 4 contains those policies that benefit both the regulated and some portion of the nonregulated. Bank regulation and deposit insurance following the Great Depression benefited both depositors by guaranteeing the safety of their funds and the banks by encouraging the use of banks. Finally, cell 2 includes policies that benefit no one. Current antitrust policy concerning price discrimination appears to harm both businesses that wish to compete and consumers.

Although who benefits from regulatory policy is not always easy to discover, the question provides a focal point for comparing unlike regulatory policies. This text will examine two aspects of regulatory policy—what is the current set of regulatory policies, and who benefits from them? The conceptual framework in this chapter permits us to explain why regulatory agencies act as they do and why regulatory policies benefit whom they do.

SUBSYSTEM POLITICS

Although regulatory policies can be produced directly by legislatures, the chief executive, or the courts, in general, regulatory policy is implemented via bureaucracy. Typically, broad areas of regulatory discretion are granted to a regulatory agency by these political institutions of government. The Interstate Commerce Commission, for example, is charged with regulating interstate commerce with only a vague goal (the “public interest”) as a guide. The policymaking activities

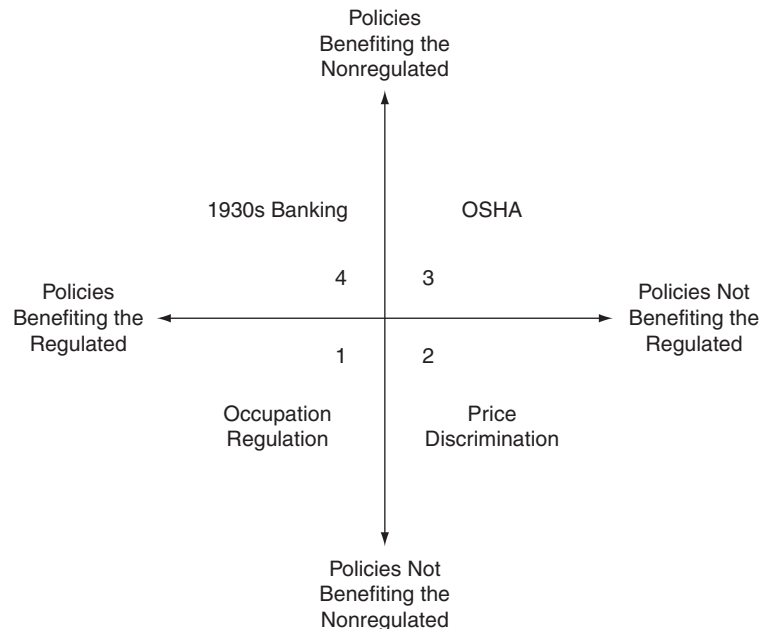


FIGURE 36.1 Dimensions of Regulatory Policy

of bureaucratic agencies can best be understood by examining the subsystem in which these agencies operate.

That public policy is made in semiautonomous subsystems composed of government bureaus, congressional committees, and interest groups has been a basic tenet of political analysis since the 1950s (see Freeman, 1965; McConnell, 1966).¹⁰ Subsystems exist because the American political system fragments political power (Long, 1962).¹¹ With its division of federal authority into three branches—executive, legislative, and judicial—each operating with constraints on the other two, political power at the national level is fragmented among numerous political actors. Power is further divided by the federal system and informally kept that way by broker political parties that seek electoral success rather than unified political government. As a result, political power is not concentrated enough to dominate the policy process.

The fragmentation is exacerbated by the numerous policy issues that compete for attention on the policy agenda. Major political institutions must constantly jump from crisis to crisis—social security today, gasoline user fees tomorrow, MX missiles next week. Power in a given issue area flows to those who retain a continuing interest in it. In American politics a continuing interest usually means the permanent bureaucracy, specialized congressional committees, and the interest groups affected by the issue.

Policy subsystems can operate in a relatively independent fashion from the major political institutions *if* the members of the policy subsystem can satisfy each others' needs. The bureaucracy makes policy. It issues the permits, exceptions, and punishments; but to do so it needs resources and legislative authority. Congressional committees can provide the funds and authority needed by the bureau to operate, but the committee members need to be reelected. Reelection requires political support and campaign contributions. The interest groups affiliated with the regulated industry need the outputs that the bureaucracy is creating, especially if the outputs are favorable; and they have the political resources to commit to members of congressional committees. In combination, the members of the subsystem can often supply the needs of the other members.

If all the needs of the subsystem members are satisfied, then subsystem members make no major demands on the macropolitical system. In turn, the subsystem is given autonomy.

Although subsystems have been fruitfully applied to numerous areas of political research (see Ripley and Franklin, 1980),¹² recent work suggests that subsystems are not the homogeneous “iron triangles” that they are portrayed to be (see Hecl, 1978; Sabatier, 1983).¹³ First, interest groups, even industry groups, rarely agree completely about regulatory policy. Dissension among airline companies permitted deregulation of airline fares in the 1970s (Behrman, 1980);¹⁴ broadcasting interests are fragmented into several groups with vastly different goals, including groups representing networks, independent stations, religious broadcasters, ultrahigh frequency (UHF) stations, frequency modulation (FM) stations, and countless others (Krasnow, Longley, and Terry, 1982).¹⁵ Second, interest groups other than industry groups actively participate in the regulatory subsystem. Consumer groups are active in the auto safety, drug regulation, and consumer products subsystems; labor unions are active in safety regulation and sometimes in environmental regulation. Rarely do industry groups have the opportunity to operate without opposition.

Third, subsystems are often divided among several different subcommittees each with different policy objectives. Environmental protection programs, for example, are under the jurisdiction of seven committees in the House and five in the Senate (Kenski and Kenski, 1984: 111).¹⁶ Even with only a single committee involved in a subsystem, policy conflict occurs. Conflicting positions by the Commerce Committees at different times during the 1970s resulted in a series of policy changes by the Federal Trade Commission (Weingast and Moran, 1982).¹⁷ Fourth, a variety of other actors penetrate the subsystem to urge policy actions, including journalists and scholars who generate important information on policy options. Such issues as acid rain, pesticide regulation, drug safety, and others were placed on the agenda by such actors.

Fifth, one subsystem will sometimes overlap one or more other subsystems, thus adding additional actors to the political battles and creating

greater conflict. Environmental protection subsystems collided with energy subsystems following the Arab oil embargo; insurance subsystems and automobile regulation subsystems came into conflict following the Reagan administration's relaxation of automobile safety regulations.

Finally, the subsystems concept ignores the vital role of state and local government officials in the regulatory process. In many areas, federal regulatory programs are implemented by state governments; environmental protection and workplace health and safety are prominent examples. In a variety of other areas such as consumer protection, antitrust, and equal employment opportunity policies, both the federal government and state governments operate programs. Often the policy goals of state regulators can differ significantly from those of federal regulators (see Rowland and Marz, 1982),¹⁸ resulting in policy outputs different from those intended by the federal government. This conflict can result in either more vigorous regulation or

less vigorous regulation depending on state objectives. California's aggressive mobile source air pollution regulation in the 1960s and 1970s, for example, often preceded federal efforts, but state-run workplace safety programs lag behind federal-run programs.

In figure 36.2 an expanded version of the subsystem is shown that includes other (i.e., non-industry) interest groups, significant others (e.g., researchers, journalists), and state governments in addition to the "iron" triangle. Paul Sabatier (1983) argues that policy subsystems can best be viewed as opposing advocacy coalitions; a coalition of industry and its allies (members of Congress, other groups, and so on) is opposed by other interest groups and their allies. Under such a conceptualization, the traditional iron triangle becomes a special case of a policy subsystem with only one advocacy coalition.

Among the most important aspects of policy subsystems is how open the subsystems are to outside influences via the chief executive,

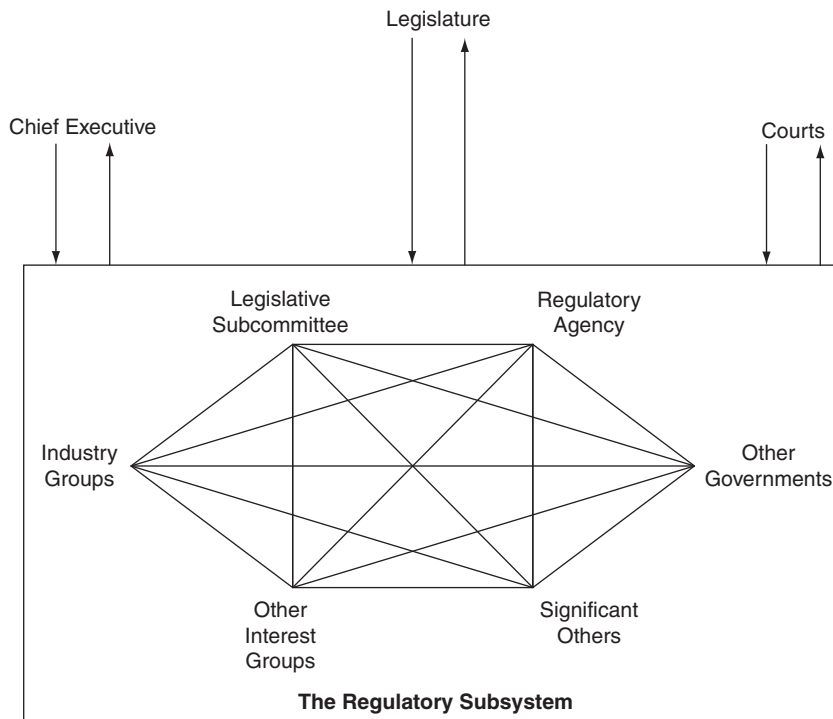


FIGURE 36.2 The Regulatory Policy System

the legislature, and other nonsubsystem actors. Policy subsystems are perceived as fairly consensual, and in areas of distributive politics—health care research, agricultural policy, and educational aid—they are (Ripley and Franklin, 1980). The distribution of tangible benefits paid for by general tax revenues ties the members of the subsystems closely together. Consensual subsystems resolve policy issues internally and present a unified front to the larger political system. As a result, consensual subsystems are usually allowed to operate without outside interference.

Regulatory subsystems are not as consensual as those in distributive policy and, therefore, are more likely to be affected by outside influences for several reasons. First, regulatory policy restricts choice so that an industry is likely to see regulation as a mixed blessing. Regulated industries may defend their regulator when it is attacked by other political actors (e.g., the airlines and the Civil Aeronautics Board (CAB) circa 1976); but they are slower to come to the defense and less committed when they do so. Second, members of Congress are likely to be less committed to a regulatory subsystem than to a distributive subsystem. Unlike other policies, regulation often imposes direct costs. A member of Congress from a rural district will receive far more credit from constituents if he or she is on the soil conservation subcommittee distributing benefits than if he or she is on the environmental committee limiting pesticide use. Third, regulatory subsystems are likely to have more nonindustry groups that want to participate in the subsystem. The Federal Communications Commission (FCC), for example, cannot operate in a consensual, autonomous subsystem because numerous interests other than the television industry are also interested in regulating television. Politicians, the movie industry, cable operators, the phone company, and many others see television as important to their interests; accordingly, they will seek to participate in FCC decisions.

REGULATORY AGENCIES: INSIDE THE BLACK BOX

Government agencies are not passive actors pushed along at the whim of other subsystem members. They shape as well as respond to

pressures from the subsystem (Rourke, 1984).¹⁹ The U.S. Department of Agriculture (USDA), for example, played a role in creating and developing the American Farm Bureau; Farm Bureau members, in turn, assisted the USDA in crop regulation. The Environmental Protection Agency funds academic research on pollution; such research is then used in debates over environmental protection. In a sense, both agencies helped create a portion of the subsystem. If bureaus can take an active role in structuring their environments, they need not passively respond to subsystem pressures. They can actively seek to influence the forces impinging on regulatory policy. To understand the policy actions of regulatory agencies, two variables—goals and resources—must be discussed.

Agency Goals

Every regulatory agency has goals including policy goals that agency employees wish to attain. Environmental Protection Agency employees seek cleaner air and water; FDA personnel pursue safe and effective drugs. Although this contention may seem trivial, many treatments of bureaucracy either assume an organization's sole goal is to survive or that the bureaucrats' goal is to maximize their income (e.g., see Niskanen, 1971).²⁰ Both approaches provide a misleading view of regulatory agencies.

This distinction merits some discussion. If we assume, as Niskanen does, that bureaucrats are rational utility maximizers, regulators clearly seek goals other than income maximization. Because incomes are higher in the regulated industry, an income maximizer would choose to work for the regulated industry rather than the regulatory agency. The choice to enter the public sector is not dictated by inferior skills because studies show that public sector employees in jobs similar to private sector ones have greater skills and better training (Guyot, 1979).²¹ A public sector bureaucrat, therefore, must be maximizing something other than income; the most logical thing to maximize is policy goals.

Ascribing regulatory policy goals to bureaucrats is consistent with motivation theory (e.g., Maslow, 1970)²² and empirical evidence. Employees work for the Office of Civil Rights

because they believe in racial equality (Romzek and Hendricks, 1982).²³ Individuals work for OSHA because they desire to improve workplace safety (Kelman, 1980).²⁴ In the long run, most agency employees become advocates of the agency and its goals (Downs, 1967).²⁵ Those interested in higher incomes or in the goals of the regulated industry will probably leave the agency.

Having policy goals does not mean that bureaucrats would not like to see their organization survive, all things being equal. Survival, after all, is necessary to obtain most policy goals. In some cases, the present Civil Aeronautics Board bureaucrats, for example, are content to accomplish policy objectives that will eventually eliminate the agency. In sum then, regulators regulate because they wish to attain policy goals; without understanding that regulators are goal-seeking and without determining what those goals are, regulatory behavior will appear random to the outside observer.

Also important in terms of regulatory goals is the potential for goal conflict within an agency. Such lack of consensus might result from several different conflicts within the organization: central staff versus field personnel, professionals versus administrators, one profession versus another profession, career staff versus political appointees. The last source of conflict is especially important. Career staff are more likely to identify with the agency and be strongly committed to its programs (Hecl, 1977).²⁶ Political appointees are more likely to see themselves as the president's representative (Welborn, 1977)²⁷ and, therefore, hold different views.

Resources

In pursuit of policy goals, regulatory agencies have access to five resources—expertise, cohesion, legislative authority, policy salience, and leadership.²⁸ Access to such resources determines the value of the agency's participation to other subsystem members. The greater a regulatory agency's resources, the more likely the agency will be able to resist industry pressures for regulation solely in the interests of the industry.

EXPERTISE. Bureaucratic organizations are designed to develop and store knowledge. To a degree

greater than legislatures or courts, bureaucracies can divide tasks and gain knowledge via specialization (Rourke, 1984: 16). An EPA employee, for example, could spend an entire career dealing with the intricacies of regulating the pesticide mirex. As part of specialization, American government bureaucracies recruit skilled technocrats as employees, and the agencies become professionalized. A professionalized agency often adopts the values of the predominant profession; the values of safety and health professionals in the Occupational Safety and Health Administration, for example, are the reason why OSHA relies on engineering standards (Kelman, 1980).

Professionalization and specialization permit an agency to develop independent sources of knowledge so that the agency need not rely on the industry (or others) for its information. Although the levels of professionalism and specialization in regulatory agencies cannot rival those of such agencies as the National Institutes of Health, they are a factor. The Nobel laureate Glenn Seaborg's appointment to head the Atomic Energy Commission (AEC; now the Nuclear Regulatory Commission) increased the AEC's reputation for expertise. Similarly, the creation of a separate research arm for the Environmental Protection Agency provided the EPA with expertise it could use in its political battles (Davies and Davies, 1975).²⁹

Professionalism does not mean that an agency is dominated by a single profession. At times one or more professions may be struggling for control of the agency. In the Federal Trade Commission (FTC), for example, economists and lawyers have long fought over control of the FTC's antitrust functions. The professional conflict, in fact, has major policy implications. Lawyers prefer cases that can be quickly brought to trial like Robinson-Patman cases. Economists favor either major structural monopoly cases that will significantly increase competition or cases against collusion.

COHESION. A second resource permitting the agency to affect public policy is the cohesiveness of the bureau's personnel. If agency personnel are united in pursuit of their goals, coalitions opposed to agency actions will need to develop their

own sources of information to challenge agency decisions. A cohesive agency is far more difficult to resist than an agency that engages in public disputes over policy direction. Cohesion, in turn, is a function of an agency's goals and its ability to socialize members to accept these goals. Some public agencies such as the Marine Corps or the Forest Service even go so far as to create an organizational ideology for their members. Although no regulatory agency engages in the same degree of socialization that the Marine Corps does, they do seek consciously or unconsciously to influence the values of employees. Bureaucrats in the Environmental Protection Agency, for example, show much greater concern for environmental protection than for compliance costs. The Office of Education in the 1960s was a zealous advocate of school desegregation.

LEGISLATIVE AUTHORITY. All regulatory agencies must have legislative authority to operate, but all grants of legislative authority are not equal (see Sabatier, 1977: 424–431). Five important differences in legislative authority exist and contribute to agency resources. First, policy goals as expressed in legislation can be specific or vague. Before 1973, Congress specified agricultural price support levels exactly, leaving little discretion for Agriculture Department regulators. In contrast, the Interstate Commerce Commission regulates interstate commerce with the general goal that regulation should be in the public interest. The more vague the legislative expression of goals, the greater the agency's ability to set regulatory policy. Specific policy goals should be correlated with regulation in the interests of whichever group has the best access to Congress. Consequently, specific goals are associated both with the regulation in the interests of the regulated (e.g., agriculture) and with regulation for the benefit of the nonregulated (e.g., environmental protection; see Marcus, 1980).³⁰

Second, legislative delegations vary in the scope of authority they grant. Some agencies have jurisdiction over every firm in the industry (e.g., EPA). Other agencies might be denied jurisdiction over portions of their industry; OSHA's law, for example, exempts small farms. An agency with limited authority cannot affect the behavior of

those outside its jurisdiction. The greater the limitations and restrictions on a regulatory agency, the more likely such an agency will regulate in the interest of the regulated industry.

Third, legislative delegations vary in the sanctions permitted to an agency. Bank regulators possess a wide variety of sanctions that can greatly influence the profits and viability of financial institutions. In contrast, the Equal Employment Opportunity Commission (EEOC) has no sanctions and must rely on court action to extract compliance. The greater the range of sanctions available to a regulatory agency, the more likely the agency will regulate in the interests of the nonregulated.

Fourth, regulatory agencies differ in their organizational structure. The two most common structural forms are the department regulatory agency (an agency headed by one person within a larger executive department) and the independent regulatory commission (a multimember board that reports directly to the legislature). Although the different structures do not appear related to performance (see Meier, 1980; Welborn, 1977),³¹ often independent regulatory commissions are subjected to other restraints. At the state level, regulatory commissions are often by law composed of members of the regulated industry. When selection restrictions such as this occur, regulation in the interests of the regulated is a given.

Fifth, legislative grants of authority often specify agency procedures. The FTC must follow the lengthy *formal* rule-making process to issue rules, and the Consumer Product Safety Commission was handicapped until recently with a cumbersome "offeror" procedure. Other agencies such as the EEOC and the antitrust regulators are limited further because they must use the courts to set policy and resolve disputes. The more restrictive an agency's procedures are, the less likely the agency will be able to regulate the industry closely.

POLITICAL SALIENCE. The salience of a regulatory issue (i.e., its perceived importance by the public) can be used as a resource in the agency's regulatory battles. Regulatory issues vary greatly in salience. Nuclear plant regulation after the Three Mile Island accident was a highly salient issue to political elites and the general public.

State regulation of barbers, on the other hand, is rarely salient. Not only does salience vary across issue areas, it also varies across time within an issue area. Banking regulation was highly salient in 1933 but not so in 1973.

According to William Gormley (1983),³² salience determines the willingness of political elites to intervene in the regulatory process. When issues become salient, the rewards for successful intervention are greater for elected officials. In salient issue areas, therefore, regulators will find their actions closely watched by political elites whereas in nonsalient areas regulatory discretion is likely to go unchecked. A lack of salience should be to the advantage of the regulated industry because it will have little opposition to its demands.

LEADERSHIP. The final regulatory resource is the agency's leadership. Unlike the career bureaucracy, which is fairly stable, leadership positions turn over frequently. Two elements of leadership are important—quality and the leader's goals. Quality of leadership is a nebulous resource that, though difficult to define, is clearly a factor. The leadership abilities of Alfred Kahn as Civil Aeronautics Board chairperson were instrumental in deregulating airlines; the absence of strong leadership in Federal Trade Commission chairman Paul Rand Dixon was often cited as a reason for poor performance by the pre-1969 FTC.

Essential to understanding the impact of leadership are the policy goals of regulatory agency heads. Through the leadership of Caspar Weinberger, Miles Kirkpatrick, and Michael Pertschuk, the Federal Trade Commission became less tied to the interests of the regulated industry and more interested in consumer issues. The appointment of Reese Taylor to head the Interstate Commerce Commission in 1981 signaled an end to the rapid movement toward deregulation of the trucking industry.

Leadership is especially important because the agency head is the focal point for interaction with the subsystem. In such interactions, the agency head is constrained by the expertise, cohesion, legislative authority, issue salience, and policy goals of the agency. An agency head who acts in opposition to the values and normal policy activities of the

career staff risks political opposition from within the agency. Anne Burford's effort to alter environmental policy in the 1980s and the response of the EPA career staff is a classic example of this.

Agency Discretion: A Recapitulation

Regulatory agencies, therefore, exercise some discretion in regulatory policy. This discretion is not limitless, however. The amount of discretion accorded an agency is a function of its resources (expertise, cohesion, legislative authority, policy salience, and leadership) and the tolerances of other actors in the political system. Each actor has a zone of acceptance (see Simon, 1957); and if agency decisions fall within that zone, no action will be taken. Because regulatory policy is more important to subsystem actors, the zone of acceptance for subsystem actors is probably narrower than that for macropolitical system actors (e.g., the president). Consequently, subsystem actors will be more active.

As long as the regulatory subsystem produces policies within the zone of acceptance of Congress, the president, and the courts, then these actors will permit the subsystem some autonomy. Actions outside the zone of acceptance will bring attempts to intervene. The size of the zones of acceptance should vary with both salience and complexity (see Gormley, 1983). Salience increases the benefits of successful intervention to a political actor, and complexity increases the costs of intervention. All things being equal, therefore, political actors will be more likely to intervene in policies that are salient but not complex (Gormley, 1983).

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37

Appellate Courts as Policy Makers

Lawrence Baum

Appellate courts differ from trial courts in their roles as policy makers. The primary task of trial courts is to apply existing legal rules to specific cases. In contrast, appellate courts have more opportunities to establish new rules, to make decisions whose implications extend far beyond individual cases. In this chapter, I will examine what appellate courts do with these opportunities, what kinds of parts they play in the making of government policy.

The chapter's primary concern is the significance of appellate courts as policy makers. As many commentators have noted, appellate courts in the United States are very active as policy makers. Over the past few decades their decisions have transformed government policy on such issues as abortion, civil rights, and compensation for personal injuries. Yet the roles of appellate courts in policy making are limited by judges' own restraint. And when courts do intervene in the making of public policy, the impact of their decisions frequently is narrowed by the reactions of other government institutions and of people outside government.

A secondary concern is the content of the policies made by appellate courts, particularly their ideological direction. At any given time, the decisions of appellate courts are mixed, ranging from some that we would characterize as quite liberal to others that appear to be quite conservative. But the federal and state appellate courts seemed to be predominantly conservative institutions until at least the 1930s; today, in contrast, many appellate courts show strong liberal tendencies.

These concerns and other characteristics of appellate courts as policy makers will be examined in two parts. The first section of the chapter will look at appellate court decisions as government policies. The second will discuss the actual impact of the policies made by appellate courts.

APPELLATE COURT DECISIONS AS POLICIES

We can think of appellate court decisions as having two components, which correspond to the functions of these courts.... The first is a review

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of the way that the lower court treated the parties to the case. The second is the appellate court's judgment about the principles of law that are applicable to the case, a judgment that is expressed in the opinion accompanying the decision. I will consider the policy outputs of appellate courts in terms of these two components of the decision, giving primary attention to the second.

Appellate Review of Lower Court Decisions

In each case that an appellate court hears, its most specific task is to review the treatment of the parties by the court below it. The two levels of appellate courts take somewhat different approaches to this task.

REVIEW BY FIRST-LEVEL COURTS. First-level appellate courts—which are intermediate courts in the federal system and in most states—review trial court decisions. They review a fairly high percentage of decisions by major state trial courts and federal district courts because of the general right to appeal adverse trial decisions and the growing tendency to exercise this right.

Most often, they ratify trial decisions by affirming them. It appears that every first-level court approves well over half the trial decisions it reviews. A California court of appeal in the mid-1970s affirmed lower-court decisions 84 percent of the time, and the affirmance rate for the federal courts of appeals in 1987 was also 84 percent.¹ Furthermore, many decisions that are not affirmances (which I will call disturbances of trial decisions) are actually relatively minor modifications of decisions rather than general overturnings. For instance, an appellate court will sometimes eliminate one of several sentences given to a criminal defendant, but in doing so it may not affect that defendant's actual prison time at all.²

These high affirmance rates can be explained in three ways.³ The first is in terms of generally accepted legal doctrines. One of these is the rule that a trial court's interpretation of the facts in a case will not be questioned if there is any *substantial evidence* for that interpretation. On the basis of this rule, appellate courts generally do not take a fresh look at the evidence as a

whole in order to weigh it independently; rather, they seek out a basis in the evidence for upholding the trial court's ruling. Another important doctrine is the *harmless error* rule, which holds that even if a trial judge has erred in applying legal rules, an appellate court can still affirm the decision if it concludes the error was harmless, that it probably did not affect the trial court judgment.

High affirmance rates can also be explained in terms of the institutional interests of appellate courts. Frequent reversals of trial court decisions would increase conflict between the two levels of courts, because many trial judges resent reversals as negative reviews of their work. And, more important, to proceed with full and thorough reviews of trial decisions, with no preconceptions, would consume the time and energy of appellate judges at an unacceptable rate, particularly when their work loads have grown in recent years. Moreover, high reversal rates might encourage more litigants to appeal, increasing the burdens of appellate judges even more.

Finally, the past experience of appellate judges also helps to account for their tendency to affirm. Because most appeals in the past have seemed suitable for affirmance, judges expect that this will continue to be true. In combination with the substantial evidence and harmless error rules and with the institutional interests of appellate courts, a judge's past experience tends to create a strong presumption in favor of affirmance. That presumption is reflected in a 1988 opinion by a judge on the federal court of appeals in Chicago; in his view, a decision should not be overturned when it is "just maybe or probably wrong" but only when it is "wrong with the force of a five-week-old, unrefrigerated dead fish."⁴

Affirmance rates are especially high in criminal cases. Thomas Davies' study of a California court of appeal in the 1970s found that only 14 percent of the appeals from criminal convictions resulted in any disturbance of the trial decision, and only 5 percent involved a full reversal. In contrast, 31 percent of the trial decisions in civil cases were disturbed. Similarly, in the federal courts of appeals in 1987, the reversal rate was 8 percent in criminal cases and 18 percent in civil cases.⁵

One reason for this difference lies in patterns of appeals. Civil appeals carry significant

monetary costs for most litigants, and civil litigants are ordinarily advised by attorneys. As a result, most appellants probably have fairly strong grounds on which to challenge trial decisions. In contrast, criminal defendants have considerable incentive to appeal when they have received substantial prison sentences, a high proportion of defendants do appeal, and a good many such appeals have little legal basis.

Nevertheless, as Davies has argued, it misses the point simply to assume that most criminal appeals are frivolous, because frivolousness is a subjective concept. Indeed, Davies found in his California study that the court of appeal cited trial court errors in about a quarter of the decisions in which it affirmed convictions.⁶ Hence the concept of the frivolous criminal appeal may be as much a justification for affirmance—and for limited judicial scrutiny of trials—as it is an explanation of high affirmance rates.

Of course, the inclination to affirm is linked with the growing use of abbreviated procedures in first-level appellate courts. The establishment of such procedures has been encouraged by the belief that a high proportion of appeals are easy affirmances that staff attorneys can identify and handle. At the same time, when certain cases are labeled as requiring only abbreviated consideration, court personnel are encouraged to treat them as easy affirmances. Thus the use of abbreviated procedures may raise an affirmance rate that already is high.

REVIEW BY SECOND-LEVEL COURTS. Unlike first-level appellate courts, those at the second level disturb lower court decisions in a high proportion of the cases they decide. In its 1987–88 term, for instance, the U.S. Supreme Court affirmed the lower court in only 42 percent of the decisions for which it provided full opinions.⁷

Such a high disturbance rate suggests that second-level appellate courts are quite willing to substitute their own judgments for those of the courts below them. But in this sense, it is quite deceptive. As we have seen, judges on second-level courts are inclined to accept cases for hearings when they think that the lower court has erred in its decision. This means that they approach many of the cases they have accepted with a

presumption of reversal, rather than the presumption of affirmance that prevails in first-level courts, and a high reversal rate is virtually guaranteed.

Yet if we take into account all the cases that are brought to the second-level courts, and not just those that are accepted for review, the disturbance of lower-court decisions is in fact quite limited. Of the cases that the Supreme Court receives, for example, it disturbs decisions only in about 5 percent.⁸ Thus appellate courts at both levels allow most decisions that they review to remain standing.

OVERVIEW. Because appellate courts uphold most decisions that are brought to them and because some decisions are not appealed, the overwhelming majority of decisions by trial courts and intermediate appellate courts become final. One study indicated that in the late 1960s the federal courts of appeals disturbed only about 4 percent of all the decisions made by the district courts; in turn, the Supreme Court disturbed about 1 percent of all court of appeals decisions.⁹ Almost surely, the rates are lower today. Furthermore, if disturbance rates were calculated for the decisions of state trial courts, they would be even lower than those for the federal courts because a relatively small proportion of decisions by minor trial courts are appealed.¹⁰ In this respect, then, appellate courts intervene rather little into the work of the courts below them.

Of course, this is only one aspect of the relationship between higher and lower courts. Even though appellate courts overturn relatively few decisions, the opinions they write influence what the courts below them do in a much larger number of cases. For example, one state supreme court decision on liability rules in auto accident cases can shape hundreds of trial court decisions. For this reason, we must examine the activity of the appellate courts as makers of legal rules and analyze the responses to their decisions in order to get a fuller sense of their roles within the judiciary.

Appellate Court Agendas

Through their opinions, appellate courts lay down interpretations of law that are generally regarded as binding on both lower courts and

administrative bodies under their jurisdiction. These interpretations can alter existing legal rules, and they can reshape or even overturn policies made by the legislature and the executive branch. It is primarily through their legal interpretations, rather than through their treatment of individual litigants, that appellate courts exert influence as policy makers.

We can begin to sketch out this role by examining the sets of cases that appellate courts hear and decide with opinions—what I will call their agendas. The more that a court concentrates on cases in a particular field, the greater its potential to shape public policy in that field. ...[T]he agendas of appellate courts are the products of rules of jurisdiction, patterns of litigation and appeals, and the judges' choices of cases in which to write opinions. The 1987 agendas of three appellate courts at different levels are summarized in Table 37.1.

The agendas of state supreme courts reflect the work of state courts generally.¹¹ Thus, because state court litigation is quite diverse, so too is state supreme court business. In recent

years, several areas have been frequent subjects of supreme court opinions: torts, particularly cases arising from accidents; criminal law and procedure; contract disputes, most often between debtors and creditors; government economic regulation; and family and estate issues, primarily concerning divorce and inheritance. As a result, state supreme courts make legal rulings in a broad range of policy areas.

The agendas of the federal courts of appeals show both similarities and differences with those of the state supreme courts.¹² Their opinions, of course, are primarily on issues of federal law, but they also deal with a good many state law issues in cases brought under the diversity jurisdiction. The two policy areas that stand out on their agendas are government economic regulation and criminal law and procedure, with regulation cases considerably more numerous than they are in state appellate courts. Also common are torts, tax cases, and contract cases.

The agenda of the U.S. Supreme Court is rather distinctive.¹³ Broadly speaking, the Court

TABLE 37.1 Subject Matter of Cases Decided with Published Opinions in 1987, Selected Appellate Courts, in Percentages

Category of Cases ^a	Pennsylvania Supreme Court	Federal Court of Appeals, Sixth Circuit ^b	U.S. Supreme Court ^c
Debt and contract	10.5	11.1	4.1
Real property	4.4	0.4	1.4
Business organization	0.5	3.2	2.1
Torts	18.2	7.9	5.5
Family and estates	7.7	0.0	0.0
Public Law:			
Criminal	34.8	19.8	21.4
Governmental regulation of economic activity	7.7	22.1	19.3
Other	16.0	35.6	46.2

^aMany cases could have fit into multiple categories; different coding rules would have produced substantially different results. For this reason, the percentages shown should be viewed as illustrations of differences in the agendas of the three courts rather than as exact depictions of each court's agenda.

^bThe time period from which cases were drawn was January–June 1987.

^cThe time period from which cases were drawn was the 1987 term of the Court.

devotes itself overwhelmingly to public law issues; as the table shows, all other cases account for only a small minority of its opinions. Within this category, the Court is primarily a civil liberties specialist; indeed, in recent years about half its opinions have involved civil liberties issues. The largest number of these cases concern criminal procedure, but the Court also writes a great many opinions on the right to equal treatment under the law and such personal rights as freedom of expression and freedom of religion. Another significant part of the Court's agenda concerns economic regulation by federal and state governments. A third major area, which overlaps the first two, is federalism—that is, the constitutional relationship between national and state governments.

Even this brief discussion suggests two conclusions about the potential roles of appellate courts as policy makers. The first concerns the agendas of appellate courts taken as a whole. While the various state and federal courts cover a broad range of issues, there are some important areas of public policy in which appellate courts are largely inactive. The outstanding example is foreign policy, which state courts barely touch and in which federal courts make relatively few decisions. Even in fields where they are active, the courts may not deal with the most fundamental issues. In economic regulation, for instance, courts focus primarily on the details of regulatory policy rather than on the general form and scope of regulation.

The second conclusion concerns differences among courts. Some issue areas, such as criminal procedure, are important to appellate courts at all levels, but others are concentrated in certain courts. Property disputes and divorce are primarily the domain of state courts, while the Supreme Court gives civil liberties much greater emphasis than does any set of lower appellate courts. Thus different appellate courts have different domains in which to make policy.

Ideological Patterns in Appellate Court Policy

The discussion of agendas indicates the areas to which appellate courts devote the most attention. To get a sense of what they do in these areas, we

need to examine the ideological direction and activism of appellate policies.

Ideologically, the policies of the appellate courts at any given time are certain to be quite diverse. But diversity is not the same as randomness. During particular periods in American history, liberal or conservative policies have been dominant. In the broadest terms, appellate courts traditionally were fairly conservative in their policies, by the current definition of that term, whereas a strong element of liberalism has developed in the past half century.

THE TRADITIONAL CONSERVATISM OF APPELLATE COURTS. For most of American history, the policies of appellate courts were primarily conservative. Federal and state courts addressed a wide range of legal issues involving the interests of economically powerful groups, and the dominant theme in their decisions was support for those interests.

This theme is fairly clear in the work of the U.S. Supreme Court. In the nineteenth and early twentieth centuries the Court worked to protect property rights and the freedom of business enterprises from restrictions by state and federal governments. As legislation to regulate and restrict business practices proliferated, the Court became increasingly hostile to this legislation, frequently ruling that state and federal laws violated the Constitution. These attacks culminated in the Court's decisions of the 1930s which struck down much of President Franklin Roosevelt's New Deal economic program. Meanwhile, the Court gave little support to the civil liberties of black citizens, unpopular political groups, or criminal defendants. Viewing the Court's record, Attorney General Robert Jackson, who was shortly to join the Court himself, wrote in 1941 that "never in its entire history can the Supreme Court be said to have for a single hour been representative of anything except the relatively conservative forces of its day."¹⁴

Scholars have disagreed about the historical record of state courts, and this disagreement reflects the diversity in their decisions.¹⁵ But the most important elements in their policies through most of our history were primarily conservative. As the industrial economy developed, state courts

did much to protect the business sector from threats to its economic well-being. In the nineteenth century, they devised rules in contract and property law that supported industrial and commercial growth. In their building of tort law in the nineteenth century, state courts created rules that “favored defendants over plaintiffs, businesses over individuals.”¹⁶ One example was the contributory negligence rule, which prevented the recovery of money for injuries if the person bringing suit was even slightly negligent. Another was the fellow-servant rule, under which a worker could not sue an employer for injuries caused by another employee. The courts also held that a family could not recover for the death of the person who was their support, because the right to sue had died with the person who was killed.

Of course, there were numerous exceptions to the conservative thrust of judicial policy. Liberal policies and even liberal courts existed throughout the long period when conservatism was predominant. The U.S. Supreme Court, for instance, varied in its hostility to government economic regulation, and some state supreme courts rejected in part or altogether the doctrines that protected businesses against lawsuits. But until fairly recently the general conservatism of appellate courts was pronounced.

This conservatism is not difficult to understand. Judges came primarily from economically advantaged segments of society and were imbued with the values of the elite. Trained in a legal profession in which conservative values predominated, they often embarked on legal careers that involved service to business enterprises. Furthermore, the most skilled advocates who came before their courts generally represented businesses and other institutions with conservative goals. Because of all these factors, it may have been almost inevitable that conservatism became the dominant theme in judicial policy.

A GROWTH IN LIBERALISM. In the past half century, the dominant conservatism of the past has been replaced by an ideologically mixed pattern of policy in which the liberal element often has been more prominent. Across a range of issues, the courts have given more support to the interests of relatively weak groups in society, groups

that possess far fewer social and economic resources and far less conventional political power than the business interests that courts tended to favor in the past.

The most visible change has been in the Supreme Court. Beginning in 1937 the Court quickly abandoned its earlier support for business interests that sought protection from government regulation. It also began to provide support for the civil liberties of relatively powerless groups in American society, support that peaked in the 1960s. It applied the constitutional rights of criminal defendants to state proceedings and established new controls on police investigations and trial procedures. It required the desegregation of Southern public schools and protected the rights of racial minority groups in other areas of life. It strengthened freedom of expression both for the mass media and for people who express their views through vehicles such as pamphlets and marches.

In the 1970s and 1980s the Supreme Court supported civil liberties with less consistency. It narrowed the rights of criminal defendants, and it became more reluctant to establish new rights in any area. But, compared with most of its past history, the Court of the past twenty years has remained relatively liberal in its support for civil liberties and its acceptance of government regulation of business.

In the past few decades the federal courts of appeals have differed a good deal in their ideological positions, but in general they too have moved away from their traditional conservatism. The court of appeals for the District of Columbia stood out for its strong liberalism from the 1960s through the mid-1980s, as evidenced in its support for the rights of criminal defendants and the mentally ill, for the interests of consumers, and for protection of the environment. Standing out in another way was the Fifth Circuit Court of Appeals in the Deep South, which gave strong support to black civil rights on school desegregation and other issues in the 1950s and 1960s despite the anti-civil rights pressures in that region.

Early in this century, state supreme courts began to reduce their long standing support for business in tort law, expanding the ability of people who suffer injuries to recover compensation.¹⁷ This trend gradually gained momentum, as courts

increasingly eliminated old rules that had favored defendants. Most dramatically, supreme courts in the 1960s and 1970s largely eliminated the requirement that those who are injured by defective products must prove that the manufacturer was negligent. Some other examples of changes in tort law since the 1950s are shown in Table 37.2.

State courts were slower to take liberal positions in civil liberties; indeed, in the 1950s and 1960s some supreme courts resisted the Supreme Court's expansions of liberties, interpreting the Court's decisions narrowly. Since the 1970s, however, state courts increasingly have undertaken their own expansions through their interpretations of state constitutions, finding broader rights in those constitutions than the Supreme Court has found in the U.S. Constitution.¹⁸ The largest part of this activity has focused on criminal justice, but it has extended to areas such as freedom of expression and sex discrimination. Not all states have participated in this development, which is concentrated heavily in the West and Northeast, but it has become increasingly widespread.

The relative liberalism of appellate courts in recent years is more difficult to explain than was their traditional conservatism. Undoubtedly the recent liberalism is at least partially rooted in a changing pattern of social values. In this century,

support by the general public and political leaders for the autonomy of business enterprises has declined. Meanwhile, some civil liberties—especially those related to equality—have gained more support. This change in values is reflected in judges' own attitudes as well as in the kinds of litigation and arguments that come to the appellate courts.

Another source of this ideological change is the kinds of people who become judges. Like judges in the past, members of the current judiciary tend to come from families with high status. But there are more exceptions to this tendency today; as a result, the attitudes of judges on economic and social issues are less likely to be conservative. Furthermore, at the federal level liberal Democratic presidents have sought out appellate judges who shared their liberalism. Franklin Roosevelt's appointments turned the Supreme Court away from its traditional conservatism. Similarly, Roosevelt, Johnson, and Carter all used their appointments to move the lower federal courts in a liberal direction. At the state level, the growing strength of the Democratic party in the North from the 1930s on brought more liberal governors into office; in turn, these governors influenced the direction of state appellate courts with their own appointments.

TABLE 37.2 Some Changes in Tort Law Doctrine Initiated by State Supreme Courts Since the 1950s

Doctrinal Change	Innovating State	How Many States?
Abolishing the general immunity of municipalities from lawsuits.	Florida, 1957	Many
Allowing parents and children to sue each other for torts.	Wisconsin, 1963	Most
Allowing a person to sue for emotional distress without accompanying physical injury.	Hawaii, 1970	Several
Allowing a person injured by a drug product whose manufacturer is unknown to sue all the manufacturers of that product on the basis of their market shares.	California, 1980	A few

Note: The identity of the state that first adopted a legal doctrine and the number of states that have adopted it are ambiguous for some doctrines.

Sources: Some information obtained from W. Page Keeton, Dan B. Dobbs, Robert E. Keeton, and David G. Owen, *Prosser and Keeton on Torts*, 5th ed. (St. Paul: West Publishing, 1984).

To some extent, this shift to greater liberalism has been self-reinforcing. The courts' support for civil liberties encouraged interest groups to bring new cases, seeking further expansions of liberties. When the Supreme Court in the 1960s played a strong role in expanding civil liberties, many lawyers gained an appreciation for that role, and those who reached the bench themselves sought to follow it. As I suggested for torts in the state courts, a trend in judicial policy tends to gain a certain momentum of its own.

But this is not to say that the liberal trend is irreversible; unquestionably, it could be reversed, particularly with major changes in the kinds of people who are selected as judges. Indeed, this process is well under way in the federal courts. The appointments by Richard Nixon and Ronald Reagan have turned a strongly liberal Supreme Court into one that could be characterized as moderately conservative by current standards, and appointments by George Bush almost surely would move the Court further to the right. Reagan's numerous appointments to the courts of appeals made some of those courts considerably more conservative, and here too that process is likely to continue. This prospect is a reminder that the ideological stance of the courts, no matter how strong the forces behind it, is always subject to change. ...

End Notes

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2. Davies, "Affirmed," p. 576.
3. Sources of information for this discussion include Davies, "Affirmed."
4. *Parts and Electric Motors v. Sterling Electric*, No. 88-1609 (7th Circuit 1988), p. 10.
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7. "The Supreme Court, 1987 Term," *Harvard Law Review*, 102 (November 1988), 354.
8. This figure is estimated from the Court's rates of acceptance of cases and of disturbances in the cases it accepts. See "Statistical Recap of Supreme Court's Workload during Last Three Terms," *United States Law Week*, 57 (July 26, 1988), 3074; and J. Woodford Howard, Jr., *Courts of Appeals in the Federal Judicial System: A Study of the Second, Fifth, and District of Columbia Circuits* (Princeton, N.J.: Princeton University Press, 1981), p. 59.
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38

The Hollow Hope: Can Courts Bring About Social Change?

Gerald Rosenberg

THE PROBLEM

JUSTICE JACKSON: “I suppose that realistically the reason this case is here was that action couldn’t be obtained from Congress. Certainly it would be here much stronger from your point of view if Congress did act, wouldn’t it?”

MR. RANKIN: “That is true, but ... if the Court would delegate back to Congress from time to time the question of deciding what should be done about rights ... the parties [before the Court] would be deprived by that procedure

from getting their constitutional rights because of the present membership or approach of Congress to that particular question.” (Oral argument in *Briggs v. Elliott*, quoted in Friedman 1969, 244)

When Justice Jackson and Assistant U.S. Attorney General J. Lee Rankin exchanged these thoughts during oral argument in a companion case to *Brown*, they acknowledged that the Supreme Court is part of a larger political system. As their colloquy overtly demonstrates, American courts are political institutions. Though unique in their organization and operation, they are a

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crucial cog in the machinery of government. But this exchange rests on a more interesting premise that is all the more influential because it is implicit and unexamined: court decisions produce change. Specifically, both Jackson and Rankin assumed that it mattered a great deal how the Court decided the issue of school segregation. If their assumption is correct, then one may ask sensibly to what extent and in what ways courts can be consequential in effecting political and social change. To what degree, and under what conditions, can judicial processes be used to produce political and social change? What are the constraints that operate on them? What factors are important and why?

These descriptive or empirical questions are important for understanding the role of any political institution, yet they are seldom asked of courts. Traditionally, most lawyers and legal scholars have focused on a related normative issue: whether courts *ought* to act. From the perspective of democratic theory, that is an important and useful question. Yet since much of politics is about who gets what, when, and how, and how that distribution is maintained, or changed, understanding to what extent, and under what conditions, courts can produce political and social change is of key importance.

The answer to the questions raised above might appear obvious if it rests on Rankin's and Jackson's implied premise that courts produce a great deal of social change. In the last several decades movements and groups advocating what I will shortly define as significant social reform have turned increasingly to the courts. Starting with the famous cases brought by the civil rights movement and spreading to issues raised by women's groups, environmental groups, political reformers, and others, American courts seemingly have become important producers of political and social change. Cases such as *Brown* (school desegregation) and *Roe* (abortion) are heralded as having produced major change. Further, such litigation has often occurred, and appears to have been most successful, when the other branches of government have failed to act. While officious government officials and rigid, unchanging institutions represent a real social force which may frustrate popular opinion, this litigation activity

suggests that courts can produce significant social reform even when the other branches of government are inactive or opposed. Indeed, for many, part of what makes American democracy exceptional is that it includes the world's most powerful court system, protecting minorities and defending liberty, in the face of opposition from the democratically elected branches. Americans look to activist courts, then, as fulfilling an important role in the American scheme.¹ This view of the courts, although informed by recent historical experience, is essentially functional. It sees courts as powerful, vigorous, and potent proponents of change. I refer to this view of the role of the courts as the "Dynamic Court" view.

As attractive as the Dynamic Court view may be, one must guard against uncritical acceptance. Indeed, in a political system that gives sovereignty to the popular will and makes economic decisions through the market, it is not obvious why courts should have the effects it asserts. Maybe its attractiveness is based on something more than effects? Could it be that the self-understanding of the judiciary and legal profession leads to an overstatement of the role of the courts, a "mystification" of the judiciary? If judges see themselves as powerful; if the Bar views itself as influential, and insulated; if professional training in law schools inculcates students with such beliefs, might these factors inflate the self-importance of the judiciary? The Dynamic Court view may be supported, then, because it offers psychological payoffs to key actors by confirming self-images, not because it is correct.² And when this "mystification" is added to a normative belief in the courts as the guardian of fundamental rights and liberties—what Scheingold (1974) calls the "myth of rights"—the allure of the Dynamic Court view may grow.

Further, for all its "obviousness," the Dynamic Court view has a well-established functional and historical competitor. In fact, there is a long tradition of legal scholarship that views the federal judiciary, in Alexander Hamilton's famous language, as the "least dangerous" branch of government. Here, too, there is something of a truism about this claim. Courts, we know, lack both budgetary and physical powers. Because, in Hamilton's words, they lack power over either the

“sword or the purse,” their ability to produce political and social change is limited. In contrast to the first view, the “least dangerous” branch can do little more than point out how actions have fallen short of constitutional or legislative requirements and hope that appropriate action is taken. The strength of this view, of course, is that it leaves Americans free to govern themselves without interference from non-elected officials. I refer to this view of the courts as weak, ineffective, and powerless as the “Constrained Court” view.

The Constrained Court view fully acknowledges the role of popular preferences and social and economic resources in shaping outcomes. Yet it seems to rely excessively on a formal-process understanding of how change occurs in American politics. But the formal process doesn’t always work, for social and political forces may be overly responsive to unevenly distributed resources. Bureaucratic inertia, too, can derail orderly, processional change. There is room, then, for courts to effectively correct the pathologies of the political process. Perhaps accurate at the founding of the political system, the Constrained Court view may miss growth and change in the American political system.

Clearly, these two views, and the aspirations they represent, are in conflict on a number of different dimensions. They differ not only on both the desirability and the effectiveness of court action, but also on the nature of American democracy. The Dynamic Court view gives courts an important place in the American political system while the older view sees courts as much less powerful than other more “political” branches and activities. The conflict is more than one of mere definition, for each view captures a very different part of American democracy. We Americans want courts to protect minorities and defend liberties, *and* to defer to elected officials. We want a robust political life *and* one that is just. Most of the time, these two visions do not clash. American legislatures do not habitually threaten liberties, and courts do not regularly invalidate the acts of elected officials or require certain actions to be taken. But the most interesting and relevant cases, such as *Brown* and *Roe*, occur when activist courts overrule and invalidate the actions of elected officials, or order actions beyond what elected officials are willing

to do. What happens then? Are courts effective producers of change, as the Dynamic Court view suggests, or do their decisions do little more than point the way to a brighter, but perhaps unobtainable future? Once again, this conflict between two deeply held views about the role of the courts in the American political system has an obvious normative dimension that is worth debating.... Relying heavily on empirical data, I ask under what conditions can courts produce political and social change? When does it make sense for individuals and groups pressing for such change to litigate? What do the answers mean about the nature of the American regime?

Political and social change are broad terms. Specifically, conflict between the two views is more sharply focused when courts become involved in social reform, the broadening and equalizing of the possession and enjoyment of what are commonly perceived as basic goods in American society. What are these basic goods? Rawls (1971, 42) provides a succinct definition: “Rights and liberties, powers and opportunities, income and wealth.” Later he adds self-respect (Rawls 1971, 440). Fleshed out, these include political goods such as participation in the political process and freedom of speech and association; legal goods such as equal and non-discriminatory treatment of all people; material goods; and self-respect, the opportunity for every individual to lead a satisfying and worthy life. Contributions to political and social change bring these benefits to people formerly deprived of them.

Yet, so defined, social reform is still too broad a term to capture the essence of the difference between the two views. At the core of the debate lies those specific social reforms that affect large groups of people such as blacks, or workers, or women, or partisans of a particular political persuasion; in other words, *policy change with nationwide impact*. Litigation aimed at changing the way a single bureaucracy functions would not fit this definition, for example, while litigation attempting to change the functioning of a whole set of bureaucracies or institutions nationwide would. Change affecting groups of this size, as well as altering bureaucratic and institutional practice nationwide can be called *significant* social reform. So, for example, in the

Brown litigation, when civil rights litigators sued to end school segregation nationwide, not just in the school systems in which the complaints arose, they were attempting to use the courts to produce significant social reform. Similarly, when abortion activists mounted a constitutional challenge to restrictive abortion laws, aimed at affecting all women, they were attempting to use the courts to produce significant social reform. Although the relevant boundary line cannot be drawn precisely, there is no doubt that the aim of modern litigation in the areas of civil rights, women's rights, and the like, is to produce significant social reform.³

This definition of significant social reform does not take much note of the role of the courts in individual cases. Due process and court procedures offer at least some protection to the individual from arbitrary action. Interposing courts and set procedures between government officials and citizens has been a hard fought-for and great stride forward in human decency.⁴ However, the protection of individuals, in individual cases, tells us little about the effectiveness of courts in producing nationwide policy change. In addition, there is no clash between the two views in dealing with individuals.

There is good reason to focus solely on the effectiveness of courts in producing significant social reform. Other possibilities, such as courts acting as obstacles to significant social reform, can be excluded because adequate work has been done on them. Studies of the role of the courts in the late nineteenth and early twentieth centuries, for example, show that courts can effectively block significant social reform.⁵ Further, since the mid-twentieth century litigants have petitioned American courts with increasing frequency to produce significant social reform. Reform-minded groups have brought cases and adopted strategies that assumed courts could be consequential in furthering their goals. To narrow the focus is to concentrate on an important aspect of recent political activity.

The attentive reader will have noticed that I have written of courts being consequential in effecting significant social reform, of courts producing significant social reform, or of courts being of help to reformers. All of these formulations

suggest that courts can sometimes make a difference. The question, then, is whether, and under what conditions, this occurs. When does it make sense to litigate to help bring about significant social reform? If the judiciary lacks power, as the Constrained Court view suggests, then courts cannot make much difference. Perhaps only when political, social, and economic forces have already pushed society far along the road to reform will courts have any independent effect. And even then their decisions may be more a reflection of significant social reform already occurring than an independent, important contribution to it. But if the Dynamic Court view is the more accurate, if courts are effective producers of significant social reform, then they will be able to produce change. And if each view is partly right, if courts are effective under some conditions and not others, then I want to know when and where those conditions exist.

There is a danger that I have set up a straw man. Given the incremental nature of change in American politics, one might wonder if there is ever significant social reform in the U.S. In fact, if there is not, then asking whether and under what conditions courts produce it won't tell me anything about courts and change. I run the danger of "finding" that courts don't produce significant social reform because it doesn't exist! Fortunately, there are numerous examples of significant social reform in the U.S.: the introduction of social security, medicaid and medicare; increased minority participation in the electoral process; the increasing racial integration of American institutions and society; the increasing breakdown of gender barriers and discrimination against women; enhanced protection of the environment and reduction of pollution; protection for working men and women who organize to improve their lot; and so on. Clearly, then, there is significant social reform in the U.S. And, of course, proponents of the Dynamic Court view claim that both *Brown* and *Roe* produced significant social reform.

In order to determine whether and under what conditions courts can produce significant social reform ... on two key areas of significant social reform litigation, civil rights and women's rights. These two movements and their leading, symbolic cases (*Brown* and *Roe*) are generally

considered the prime examples of the successful use of a court-based strategy to produce significant social reform. Proponents of the Dynamic Court view generally credit *Brown* with having revolutionized American race relations while *Roe* is understood as having guaranteed legal abortions for all. Defenders of the Constrained Court view, however, might suggest that neither interpretation is correct. Rather, they would point to changes in the broader political system to explain such major social and political changes. Clearly, the two views are in conflict.

It should be emphasized that an examination of civil rights, abortion, and women's rights avoids the pitfalls of simple case studies. Each movement spans a sufficient length of time to allow for variance. Covering decades, the debate over these issues has been affected by political, social, and economic variables. Besides the importance of these cases for politics (and for law and social science), they are cases in which claims about court effectiveness should be most clearly highlighted, cases which should most likely falsify one of the two views. If the constraints and conditions developed ... hold in these studies, they should illuminate the broader question under what conditions courts are capable of producing significant social reform. And, for those readers who are uncomfortable with only three case studies ... I expand the coverage to examine briefly three other modern uses of the courts to produce significant social reform.

In order to proceed, while not ignoring state and lower federal courts, I will concentrate on the U.S. Supreme Court. Like the Congress and the presidency, the Supreme Court, while not the only institution of its kind in the American political system, is the most visible and important one. It sits atop a hierarchical structure, and decisions of lower courts involving significant social reform seldom escape its scrutiny. Also, because it is the most authoritative U.S. court, it is the most concerned with public policy. Hypotheses that concern the courts and social reform must first deal with the Supreme Court and then turn to the ramifications of its decisions elsewhere in the judiciary.

There remains the question of how to deal with complicated issues of causation. Because

it is difficult to isolate the effects of court decisions from other events in producing significant social reform, special care is needed in specifying how courts can be effective. On a general level, one can distinguish two types of influence courts could exercise. Court decisions might produce significant social reform through a *judicial* path that relies on the authority of the court. Alternatively, court influence could follow an *extra-judicial* path that invokes court powers of persuasion, legitimacy, and the ability to give salience to issues. Each of these possible paths of influence is different and requires separate analysis.

The *judicial* path of causal influence is straight-forward. It focuses on the direct outcome of judicial decisions and examines whether the change required by the courts was made. In civil rights, for example, if a Supreme Court decision ordering an end to public segregation was the cause of segregation ending, then one should see lower courts ordering local officials to end segregation, those officials acting to end it, the community at large supporting it, and, most important, segregation actually ending. Similarly, with abortion, if the Court's invalidation of state laws restricting or prohibiting abortion produced direct change, it should be seen in the removal of barriers to abortion and the provision of abortion services where requested. Proponents of the Dynamic Court view believe that the courts have powerful direct effects, while partisans of the Constrained Court view deny this.

End Notes

1. Not everyone, however, thinks such liberal judicial activism is a good thing. It has spawned a wave of attacks on the judiciary ranging from Nathan Glazer's warning of the rise of an "imperial judiciary" to a spate of legislative proposals to remove court jurisdiction over a number of issues. See Glazer (1975); *An Imperial Judiciary* (1979). And, of course, Presidents Nixon and Reagan pledged to end judicial activism by appointing "strict constructionists" to the federal courts.
2. As McCann (1986, 114) suggests, in the public-interest movement, lawyers are "quite

naturally the most ardent spokespersons” for the use of courts to produce change.

3. A major study of public-interest law takes a similar “focus on policy-oriented cases, where a decision will affect large numbers of people or advance a major law reform objective” (Council for Public Interest Law 1976, 7).
4. See, for example, Thompson (1975), particularly chapter 10, and Hay et al. (1975). Though the focus of both works is on the role of the criminal law in the eighteenth century in sustaining the hegemony of the English ruling class, both view law as affording some protection to individuals.
5. A simple example is child labor, where the Supreme Court twice overturned congressional legislation prohibiting it, delaying its eventual outlawing for several decades. For a careful study of the ability of courts to effectively block significant social reform, see Paul (1960). However, it should be noted that given the appointment power, and the general dependence of courts on political elites, such blocking cannot continue indefinitely. On this point, see Dahl (1957).

39

Parties, the Government, and the Policy Process

Samuel J. Eldersveld

The influence of parties on the policy decisions of governmental leaders is one of the most important questions for democratic societies. It is the “governing function” which affects us all. Does it make any difference how well parties organize, how carefully they recruit candidates, how well they are led, how effectively they campaign, how persuasively they mobilize voters and win elections—for policy outcomes? This is not the only process parties are involved in or the only basic function they perform. Parties engage in a variety of other functions—leadership selection, socialization, communication, agenda setting, government monitoring, and consensus building. But certainly their role in determining policy is a central concern. If they have no policy

function, they may still meet other needs of the system, but they could then share, or yield, center stage in the governmental arena to other groups which are important in governmental action. As V. O. Key said, “There are two radically different kinds of politics: the politics of getting into office and the politics of governing.”¹

OBSTACLES TO PARTY INFLUENCE IN THE UNITED STATES

The traditional view is that American parties are too fragmented, dispersed, and undisciplined to have much influence over policy determination. This view argues that if one wants to explain the

From Samuel J. Eldersveld, *Political Parties in American Society* (New York: Basic Books, 1982), Chapter 16. Reprinted by permission.

basis for the legislative decisions of members of Congress, United States senators, state legislators, or local policy makers one cannot explain them primarily on the basis of party influence. Even when strong mayors, governors, or presidents dominate the policy process, it is not their party roles so much as their personal appeals, personal bases of electoral support, and personal attractiveness and expertise which is important in explaining their success in getting new laws adopted. In this traditional view parties are not considered as policy leadership structures which can mobilize support to determine or significantly influence, legislative, executive, judicial, and bureaucratic decisions.

One of the major reasons for this alleged policy impotence of parties, it is argued, is the structural character of the American governmental system. The principles of our constitutional system theoretically do not facilitate a role for parties; indeed, they were designed originally to make it difficult for parties to have such a role. In *The Federalist* James Madison argued that the proposed constitution would make majority control by a party group virtually impossible. The key principles he had in mind, of course, were separation of powers, federalism, and bicameralism. The dispersion of governmental power under these principles constitutes a major challenge to parties seeking to control government for the purposes of policy initiation and innovation. Obstruction is more likely under such principles than the translation of new ideas into new laws. Structural principles, thus, can be critical for the policy process. Our peculiar principles pose a challenge to party leadership seeking to bridge and coordinate the different arenas of governmental authority.

It is not these constitutional principles alone, however, which are obstacles to party influence in the policy process. It is also the fragmentation of authority within the legislative body itself. The United States House of Representatives, up to 1910, was a body with strong leadership, with a speaker who had considerable power. But in that year there was a revolt against Speaker Joe Cannon, and in the seventy years since there has been no return to anything like the centralization of authority which Cannon had. The committee

chairmen, the floor leader, the party policy committees, the whips, the party caucus—all these agencies of House operations have divided up the party's power. In addition special groups such as the Democratic Study Group (DSG), with 200 liberal Democrats, or the Republican special group, the "Chowder and Marching Club," have contributed to the decentralization of power in the House and made leadership and policy coordination difficult. Further, as William J. Keefe points out:

Congress is an institution vulnerable to invasion by others. The three principal external forces that interact with Congress, seeking to move it along lines congenial to their interests, are the chief executive (including the bureaucracy), interest groups, and the constituencies.²

Rather than moving in harmony, these actors in the policy process are often in dissonance. There is legislative-executive conflict, a struggle among opposing lobbies, and pressures from different types of constituencies. As Keefe says, on certain issues the party often seems "to fly apart."³ *It appears* that what we have in the United States—and perhaps want, but certainly tolerate—is "a shared, multiple-leadership form of government."⁴

The traditional model, then, is one which plays down the role of parties in the policy process because constitutional principles disperse power, internal party organization in legislative bodies is not cohesive, and external pressures produce conflicts. The implicit argument is that parties cannot overcome these features of the system—parties as organizations or as leadership groups do not coordinate policy making, parties in fact are secondary to other influences on policy making, and partisan considerations and motivations do not explain policy actions.

This model, further, is usually contrasted to the parliamentary model, such as is found in Britain. It is argued that party plays a much more important role there because there is party discipline in the House of Commons, there is centralized party leadership which determines the party's position on policy questions, there is no dispersion of power as in the American constitutional system (Parliament is supreme), and

external pressures play no such negative role (indeed constituency influences facilitate the relevance of party in the policy process). The majority in the party caucus (Labour, Conservative, or Liberal) in the House of Commons selects its leadership, together they decide on policy, defections from these majority decisions are not sanctioned but punished, and thus normally the party as an organization makes policy. There is, thus, *theoretically* a sharp contrast between the United States “fragmentation of party power” model and the parliamentary (British) “party dominance” model.

EVIDENCE OF PARTY INFLUENCE ON NATIONAL POLICY DECISIONS

Despite the negative expectations about the role of American parties on policy decisions, research suggests caution in reaching that conclusion. True, parties are organizationally fragmented, power is dispersed, leadership is not centralized and party discipline of the parliamentary system doesn't exist in the United States. Nevertheless, policies do change as the strength of parties ebbs and flows.

The economic policies of the national government are one important substantive area where it may indeed make a great deal of difference which party wins the election. Edward Tufte has studied this matter and concludes that “the real force of political influence on macroeconomic performance comes in the determination of economic priorities.” He then argues, “Here the ideology and platform of the political party in power dominate ... the ideology of political leaders shapes the substance of economic policy.”⁵ Indeed, his position is that one can generalize for modern democratic societies, including the United States, as follows: Parties of the Right (including the Republicans) favor “low rates of taxation and inflation with modest and balanced government budgets; oppose income equalization; and will trade greater unemployment for less inflation most of the time.” Parties of the Left (including the Democrats) favor “income equalization and lower unemployment, larger government budgets; and will accept increased rates of inflation in order to reduce unemployment.” The platforms of the national parties reveal these

differences. Thus, in 1976 the Democratic platform pledged “a government which will be committed to a fairer distribution of wealth, income and power.” The Republican platform in 1976 pledged “less government, less spending, less inflation.” In 1980 the Democratic platform promised to fight inflation but not by increasing interest rates or unemployment. The Republicans said that “our fundamental answer to the economic problem is ... full employment without inflation through economic growth.”

The public's expectations concerning the performance of the two parties are clearly illustrated by their attitudes on the unemployment issue in 1976. When asked to assess the job which President Gerald Ford and the Republicans had done in dealing with unemployment, only 11 percent of the sampling responded that it had been a “good” performance, 57 percent a “fair” job, and 32 percent a “poor” one. Table 39.1 reveals the results of a study asking which presidential candidate and party would do the best job of reducing unemployment. The public clearly expected Carter to do more about unemployment. Similar results emerged when the sample was asked, “Do you think the problems of unemployment would be handled better by the Democrats, by Republicans, or about the same by both?” The results were: 39 percent Democrats, 10 percent by the Republicans, and 52 percent the same for both parties. The 1980 results were different, however: 19 percent Democrats, 23 percent Republicans, and 58 percent about the same for both parties.

Tufte demonstrates that the actual employment statistics over time reveal a linkage between presidential elections and unemployment and inflation rates. These data point to the following “rules”:⁶

1. Both Democrats and Republicans will reduce inflation or unemployment if there is an economic crisis and an election is approaching.
2. If there is no real crisis, the Republicans will do much better in reducing inflation than unemployment; the Democrats will do better in reducing unemployment.

Whether Carter's actions in 1980 supported these observations is an arguable matter!

TABLE 39.1 Public's Opinion on Which Party Will Best Deal with Unemployment (as a percentage)

Public View	President Ford	Candidate Carter
Candidate will reduce unemployment	31	52
Candidate will not reduce unemployment	46	24
Difference	-15	+28

Source: University of Michigan CPS/NES, 1976.

Another scholar, Douglas Hibbs, has also explored this problem. He concludes that “inter-party differences in government-induced unemployment levels is 2.36 percent”—a sizeable difference in national employment levels as a result of a Democratic or Republican administration. Thus, “the Kennedy-Johnson administration posture toward recession and unemployment stands in sharp contrast to Eisenhower’s, ... the basic economic priorities associated with the Eisenhower era were re-established during the Nixon and Ford administrations” and were “deliberately induced.” Hibbs concludes, “The real winners of elections are perhaps best determined by examining the policy consequences of partisan change rather than simply by tallying the votes.”⁷

A study of the policies of our government over the years finds that whichever party is in power for a longer or shorter period of time is crucial for the content of public policy. In an exhaustive study of laws adopted by the United States government from 1800 to 1968 (requiring analysis of 60,000 pieces of legislation) Benjamin Ginsberg was able to determine when the peak points in the adoption of new policies and new laws occurred. He concluded that the peak points were 1805, 1861, 1881, and 1933. These were years after major elections in which a shift in the power of the political parties occurred, called in some instances major “realigning elections.” His basic interpretation is that “clusters of policy change” do come as a result of partisan change in electoral choices. He summarized as follows:

Our findings suggest that voter alignments are, in effect, organized around substantive issues of policy and support the continued dominance in government of a party committed to the principal elements of the choice

made by voters during critical eras.... Partisan alignments form the constituent bases for governments committed to the translation of the choices made by the electorate.... The policy-making role of the electorate is, in effect, a continuing one.⁸

In other words, the voters’ decision on what party should govern determines the basic direction of public policy! ...

End Notes

1. V. O. Key, Jr., *Politics, Parties and Pressure Groups*, 4th ed. (New York: T. Y. Crowell, 1958), p. 702.
2. William J. Keefe, *Congress and the American People* (Englewood Cliffs, N.J.: Prentice Hall, 1980), p. 101.
3. *Ibid.*, p. 105.
4. Thomas E. Cronin, *The State of the Presidency* (Boston: Little, Brown, 1975), p. 107.
5. Edward R. Tufte, *Political Control of the Economy* (Princeton: Princeton University Press, 1980), p. 71.
6. *Ibid.*, pp. 101–102.
7. Douglas Hibbs, “Political Parties and Macroeconomic Policy,” *American Political Science Review* 71 (1977): 1486. Other scholars disagree with this position in part, at least the implication of presidential manipulation of the economy for electoral gain. See Thad A. Brown and Arthur A. Stein, “The Political Economy of National Elections,” unpublished paper, University of California at Los Angeles, November, 1980.
8. Benjamin Ginsberg, “Elections and Public Policy,” *The American Political Science Review* 70, no. 1 (1976): 49.

The Advocacy Explosion

Jeffrey M. Berry

This is not the first period of American history in which an apparent increase in the numbers and influence of interest groups has heightened anxiety.¹ Uneasiness over the power and influence of interest group politics is part of the American political tradition. Yet today's widespread concern contrasts with fairly recent American attitudes. The New Deal, for example, was known for its positive acceptance of interest groups because of the greater role trade associations came to have in the policy making of newly established regulatory agencies. As recently as the 1960s, scholars were arguing that interest group politics contributed to democratic politics.

Currently, a pervasive, popular perception is of an unprecedented and dangerous growth in the number of interest groups and that this growth continues unabated. This view is echoed constantly in the press. *Time* tells us that "at times the halls of power are so glutted with special pleaders that government itself seems to be gagging."² Bemoaning the growing lobbying industry, the *New Republic* notes, "What dominates Washington is not evil and immorality, but a parasite culture. Like Rome in decline, Washington is bloated, wasteful, pretentious, myopic, decadent, and sybaritic. It is the paradise of the overpaid hangers-on."³ The normally staid *Atlantic* thinks things have deteriorated so much that even the First Amendment right to petition the government should not stand in the way of remedial action. "Lobbyists should be denied access to the

Capitol," says an *Atlantic* writer, because they are ruining the legislative process.⁴

Journalists might be allowed a bit of literary license, but politicians ring the fire alarm too. After returning to Congress in 1987 after a twelve year absence, Representative Wayne Owens (D-Utah) lamented that "in those twelve years I was gone, basically every group you can think of has developed a Washington office or a national association aimed at presenting their case to Congress,"⁵ President Jimmy Carter, in his farewell address to the nation, blamed interest groups for many shortcomings of his administration:

... We are increasingly drawn to single-issue groups and special interest organizations to insure that whatever else happens our own personal views and our own private interests are protected. This is a disturbing factor in American political life. It tends to distort our purpose because the national interest is not always the sum of all our single or special interests.⁶

Some scholars find interest groups to be at the heart of this country's problems as well. Economist Lester Thurow states unequivocally that "our economic problems are solvable," but adds that "political paralysis" stands in the way. The source of that paralysis, in Thurow's eyes, is an expanding system of effective interest groups that makes it impossible for government to allocate

Berry, Jeffrey M., *The Interest Group Society*, 2nd Edition, © 1989. Reprinted by permission of Pearson Education, Inc., Upper Saddle River, NJ. Reprinted by permission.

the pain that comes with realistic economic solutions.⁷ Political scientist Everett Ladd blames special interest politics for our economic woes as well. “The cumulative effect of this pressure has been the relentless and extraordinary rise of government spending and inflationary deficits.”⁸

In short, the popular perception is that interest groups are a cancer, spreading unchecked throughout the body politic, making it gradually weaker, until they eventually kill it.

Political rhetoric aside, has there really been a significant expansion of interest group politics? Or are interest groups simply playing their familiar role as whipping boy for the ills of society?

The answer to both questions is yes. Surely nothing is new about interest groups being seen as the bane of our political system. The muckrakers at the turn of the century voiced many of the

same fears that show up today in *Time* or the *Atlantic*. Yet even if the problem is familiar, it is no less troubling. The growth of interest group politics in recent years should not simply be dismissed as part of a chronic condition in American politics. Of particular concern is that this growth took place during a period of party decline. The United States is not just a country with an increasing number of active interest groups, but a country whose citizens look more and more to interest groups to speak for them in the political process.

Before addressing the larger problems that arise from this trend, we must document the increasing number of interest groups. The available statistics show an unmistakable increase in interest group activity in Washington. Jack Walker’s survey of 564 lobbying organizations in Washington (Figure 40.1)⁹ shows a clear pattern

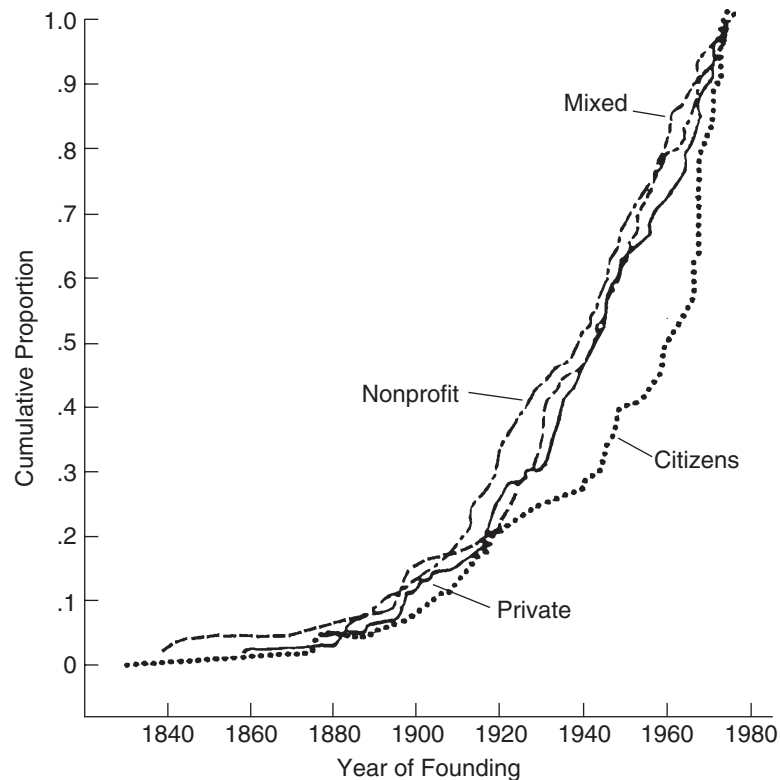


FIGURE 40.1 Interest Groups and Their Year of Origin

Source: Survey of voluntary associations by Jack L. Walker, “The Origins and Maintenance of Interest Groups in America,” *American Political Science Review* 77 (June 1983), p. 395. The “mixed” category represents groups that have members from both the public and private sectors.

of growth, with approximately 30 percent of the groups originating between 1960 and 1980.¹⁰ The figures do not, however, indicate precisely how many new groups have been started in different eras because we cannot calculate how many were started in earlier periods but have since ceased to exist. A second study, by Kay Schlozman and John Tierney, shows a similar pattern. Their examination of groups listed in a lobbying directory shows that 40 percent were founded after 1960 and 25 percent after 1970.¹¹ Both surveys show that citizen groups were the most likely to have formed recently. In short, we can be confident that the increase in lobbying organizations is real and not a function of overblown rhetoric about the dangers of contemporary interest groups.

The rate of growth of interest groups seems to be tapering off though. Given the rather sizable boom in the growth of groups during the 1960s and 1970s, this is hardly surprising. At some point the market for different types of interest groups becomes saturated, and new entrants will find it more difficult to gain a foothold. There will always be new constituencies developing and existing constituencies recognizing that they need greater representation, but rapid expansion of one sector of an interest group community reduces the amount of available resources for potential new groups....

THE RISE OF CITIZEN GROUPS

The growth of interest group advocacy in different sectors of society comes from many of the same roots. At the same time, the sharp growth in numbers of interest groups also reflects different sectors of society responding to each other. As one segment of the interest community grew and appeared to prosper, it spurred growth in other segments eager to equalize the increasing strength of their adversaries. This spiral of interest group activity began in large part in the civil rights and antiwar movements of the 1960s....

DEMISTIFYING INTEREST GROUP ADVOCACY

The advocacy explosion came from many sources. Different kinds of groups responded to particular events: the growth of adversary groups, changes

in the law, and evolutionary changes in the political environment. These stimuli were enhanced by a cumulative learning process as well.

In recent years there has been a “demystification” of interest group politics. A broader segment of the population has come to believe that interest group advocacy has great potential. More and more people have come to understand that interest groups are vital to protecting and furthering their own interests. And more and more people have come to understand how interest groups operate in practice and how new groups could be formed.

Interest group leaders (and prospective organizers) learned by watching other interest groups; lobbying organizations are inveterate copiers. The way in which citizen groups copied the successful civil rights and antiwar organizations is an illustration of this process. Not only did other minorities copy the black civil rights organizations, but new liberal citizen groups were started to appeal to middle-class interests as well.

Conservative citizen groups that arose in the 1970s responded directly to the success of liberal citizen groups. There was a sense that everyone was represented *except* the conservatives. Liberal citizen groups appeared to be enormously successful, with major victories such as establishing regulatory agencies like the Consumer Product Safety Commission and the EPA, the constant media attention given to Ralph Nader and Common Cause, and a stream of successful environmental lawsuits. Most important, liberal groups seemed to have the ear of government and thus were influencing its agenda.

Business in turn was influenced by the liberal citizen groups’ growing advocacy. Even though the most direct stimulus was increased regulation, the public interest movement was seen as the primary instigator of “excessive” government regulation. Business has made great use of all major strategies of effective lobbying. It has formed the most PACs and donates the most money, though PACs have multiplied on all fronts. No segment of the interest group population wants to be at a disadvantage in gaining access to congressional offices.

No automatic mechanism in politics exists whereby new groups cause opposing groups to form as a countervailing power; the reality is

much more complicated. In recent years, though, proliferation of groups has been facilitated by rapidly increasing knowledge about interest groups. From academic works to the omnipresent eye of the mass media, both laymen and elites have learned how these groups operate. The development of public policy and the interest groups' role in that process have been reported and analyzed in excruciating detail. Thus the costs of acquiring information about interest groups became cheaper. People found it easier to find out what they needed to know to form groups, and once they were formed, what they needed to know to operate them effectively.

More specifically, the growth of interest groups was furthered by increasing knowledge about three subjects.

ORGANIZATIONAL MAINTENANCE. Interest group leaders have become more effective at raising money and broadening their base of support. Their growing utilization of direct mail is the most obvious example; leaders of newly forming or existing groups can buy lists of likely prospects. Foundations and government became more important sources of money for interest groups during their greatest expansion period. Businesses moved quickly to use the newly acquired right to form PACs to collect money from corporate executives. For interest group leaders who feel they need help in maintaining their organization, many consultants in Washington have expertise in direct mail and how to secure government grants.

LOBBYING SKILLS. Through the years, lobbying has had an unsavory behind-the-scenes image of unctuous group representatives using their contacts in government to do the groups' bidding. Yet today's typical lobbyist will often try to gain recognition and publicity for what he or she is doing rather than hide it. Lobbying has quickly become an anyone-can-do-it activity, and little mystery is left as to what successful lobbyists do. One does not have to have close friends in high places (though it certainly doesn't hurt), but other attributes are commonly accepted as vital to effective lobbying. Chief among these is policy expertise. The ability to "network" (form coalitions), to utilize the media, and to develop lasting

professional relationships with staffers and policymakers are other well-known fundamentals of lobbying. It is much harder to raise the resources for lobbying than it is to figure out what to do with those resources.

COMMUNICATIONS. Lobbying has been furthered by a growing recognition that information is power and that the best lobbyists are the people back home. The Washington newsletter is now a staple of Washington politics. Constituents back home receive frequent mailings on the issues that are being decided by government and what they need to do to influence them. Computerized lists of constituents facilitate mailings to members in key congressional districts when a critical vote is coming. Some groups have special networks of activists, who can be instructed to contact those in government when the need arises.

The growth of interest group politics thus comes in part from learning: Successful groups set the example for others. Washington is really a town of few secrets, and what works for one group is quickly copied by others. Consultants, lawyers, and public relations specialists who work for different clients, the huge Washington media establishment, and the lobbyists who interact constantly with one another make learning about what interest groups do ever easier.

CONCLUSION

By any standard, the amount of lobbying in Washington has expanded significantly. Interests previously unrepresented are now represented before the government by recently formed organizations. Interests that were already represented in Washington tend to be even better represented today.

Although the reasons for lobbying's rise in different sectors of society vary, some common threads appear in the broad movement toward interest group politics. Pluralist theory put forward the idea that interest group involvement in policy making contributed to democratic government. Expanding governmental activity in the 1960s and 1970s, usually at the behest of interest groups, directly affected more and more constituencies and helped catalyze increased advocacy.

Finally, as new interest groups form, they stimulate other constituencies to organize because new groups increase awareness about what various interests are doing and, further, their formation threatens their natural adversaries. The success of the public interest movement, for example, resonates through this 1978 plea in the *Wall Street Journal*: “Businessmen of the World Unite.” Readers were told that “we need a businessman’s liberation movement and a businessman’s liberation day and a businessman’s liberation rally on the monument grounds of Washington, attended by thousands of businessmen shouting and carrying signs.”¹²

While the advocacy explosion created new groups and expanded resources devoted to lobbying, this heightened competition between groups did not bring about a perfect balance of interests represented in Washington. Business was by far the best represented sector of American society before this upsurge in lobbying, and it remains in that position now that the growth in the numbers of interest groups is finally slowing down. Business responded to the challenge of the public interest movement with ample resources and a fierce determination to maintain its advantages in Washington. It now faces potent competition from an array of liberal public interest groups, although its traditional rival, organized labor, is on the decline. . . . It is tempting to make interest groups the scapegoat for the ills of American society, believing that we would have politically acceptable solutions to public policy dilemmas if lobbies didn’t exist.¹³ However, differing interests will always abound. The attitudes and potential reactions of various constituencies must be considered by policymakers when decisions are made. Yet the organization of interests into an ever-increasing number of lobbying groups adds to the power of those constituencies.

The growth of interest group politics can be applauded for expanding the range of lobbying organizations represented in the political system. A related benefit of this proliferation is that it was instrumental in the replacement of many narrow subgovernments with more open, more participatory, and more conflictual issue networks. If there are to be lobbying organizations, it is best that they be as representative as

possible of all segments of American society. Yet it would be naive to assume that interest groups will ever fairly reflect the different interests of all Americans. Upper- and middle-class interests will always be better represented by lobbying organizations.

Government is realistically limited in what it can do to address this imbalance, but it must try to ensure representation for the chronically underrepresented. Financial support for advocacy groups for the poor should be expanded, not decreased, as part of the overall move to cut back government funding of welfare and social services. Such cuts actually create a greater need for this kind of surrogate representation. Citizen participation programs, which have had mixed success, ought to be continued and improved. They make government more accountable to the people it serves and create a potential channel of influence for those who may not be adequately represented by interest groups.¹⁴ The federal government can do little aside from the reforms discussed here, however, to curb the activities of interest groups. Worrisome as the spiraling growth of interest group politics may be, it is not desirable to have the government trying generally to inhibit the efforts of various constituencies to find more effective representation in the political system.

Because government’s role will always be limited, prospects for further curbing the influence of faction must come from the political parties. They are the natural counterweight to interest groups, offering citizens the basic means of pursuing the nation’s collective will. Only political parties can offer citizens broad choices about the major directions of public policy. Strengthening our parties is a widely shared goal, though there is little consensus over what actions need to be taken to accomplish this.¹⁵ Whatever the future of party renewal, though, interest groups will continue to play their traditional role of articulating this nation’s multitude of interests. Interest groups offer a direct link to government on the everyday issues that concern a particular constituency but not the nation as a whole. The role interest groups play is not ideal, but they remain a fundamental expression of democratic government.

End Notes

1. Some arguments here were first published in Jeffrey M. Berry, "Public Interest vs. Party System," *Society* 17 (May/June 1980), pp. 42–48.
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4. Gregg Easterbrook, "What's Wrong with Congress," *Atlantic*, December, 1984, p. 84.
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6. "Prepared Texts of Carter's Farewell Address on Major Issues Facing the Nation," *The New York Times*, January 15, 1981.
7. Lester C. Thurow, *The Zero-Sum Society* (New York: Penguin Books, 1981), pp. 11–15.
8. Everett C. Ladd, "How to Tame the Special Interest Groups," *Fortune*, October 20, 1980, p. 66ff.
9. Jack L. Walker, "The Origins and Maintenance of Interest Groups in America," *American Political Science Review* 77 (June 1983), pp. 390–406.
10. See an earlier version of the Walker article, similarly titled, presented at the annual meeting of the American Political Science Association, New York, September 1981, p. 14.
11. Kay Lehman Schlozman and John T. Tierney, *Organized Interests and American Democracy* (New York: Harper and Row, 1986), pp. 75–76.
12. Cited in Michael Useem, *The Inner Circle* (New York: Oxford University Press, 1984), pp. 17–18.
13. See Mancur Olson, *The Rise and Decline of Nations* (New Haven: Yale University Press, 1982); and Lester C. Thurow, *The Zero-Sum Society* (New York: Penguin, 1981). See also Robert H. Salisbury, "Are Interest Groups Morbific Forces?," paper presented to the Conference Group on the Political Economy of Advanced Industrial Societies, Washington, D.C., August 1980.
14. See Benjamin Barber, *Strong Democracy* (Berkeley: University of California Press, 1984).
15. For a comprehensive program of party reform, see Larry J. Sabato, *The Party's Just Begun* (Glenview, Ill.: Scott, Foresman/Little, Brown, 1988).

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The Consultant Corps

Larry Sabato

Controversy is raging about the role and influence of the political consultant in American elections, and properly so. There is no more significant change in the conduct of campaigns than the consultant's recent rise to prominence,

if not preeminence, during the election season. Political consultants, answerable only to their client-candidates and independent of the political parties, have inflicted severe damage upon the party system and masterminded the modern

From Larry J. Sabato, "The Consultant Corps," *The Rise of Political Consultants*. Copyright © 1981 by Larry J. Sabato. Reprinted by permission of BasicBooks, a division of HarperCollins Publishers, Inc.

triumph of personality cults over party politics in the United States. All the while they have gradually but steadily accumulated almost unchecked and unrivaled power and influence in a system that is partly their handiwork.

For a group of political elites so prominent and powerful, consultants have been remarkably little investigated and understood. Indeed, the argument about their role and influence in the electoral system has operated essentially in a vacuum.... Until now far more misinformation than fact has surfaced in the debate about politicians' use of political consultants, and there are many reasons for this. The consultants themselves make the task of separating fact from fiction and image from reality as difficult as possible. They enhance their own images and increase the fees they can command by keeping their campaign techniques as mysterious and bewildering as possible. Most consultants have been intimately involved with politics for decades, and they know better than most elected officials that, in politics, style is closely intertwined with substance. Fame and fortune—not to mention electoral success—come to those who can adjust the mirrors in just the right way and produce sufficient quantities of blue smoke in the public arena.

In using the blue smoke and mirrors of politics to cloud the view of their profession, consultants have found a valuable ally, the working press. Not only do many journalists fail to understand what it is consultants do and how they do it; those same print and television journalists are responsible in good measure for the glow of expertise and omniscience that surrounds the consultant's every pronouncement. Consultants have become prime and semipermanent sources of information and insight for political reporters, and the election professionals are rewarded with an uncritical press and frequent, beatific headlines.

No one reads these headlines more closely than the prospective candidates, and as a consequence virtually no nominee for public office at any level thinks he can survive without a consultant or two. Remarkably, though, if reporters are ignorant of the consultant trade and technology, candidates are far more so. President Gerald Ford, for instance, would admit almost total ignorance of his 1976 direct-mail operation and even

decry "junk mail" after leaving the Oval Office, despite the fact that direct mail had been one of the most successful aspects of his campaign for the Republican presidential nomination. Many other candidates have hired media and polling consultants at great cost without even a superficial comprehension of their techniques or their real worth—taking on faith what they had read and heard about these election wizards, believing all the while that consultants were essential for victory without knowing whether or why the common wisdom was true. Understandably, candidates lack the specialized training in election technology that their consultants possess and have little time to learn in a demanding, pressure-cooker campaign. This leaves the consultant a seemingly indispensable commodity, someone with immense leverage not merely during the election but also after the campaign is over. Few are the politicians who never seek office again, and their relationships with consultants are as permanent as their campaigns. Pollster Patrick Caddell's and media man Gerald Rafshoon's extraordinary alliance with President Carter is by no means exceptional any more.

If a thorough examination of the consultants' profession is in order, so too is an exhaustive study of their much-acclaimed techniques. A glance at any election-year newspaper or political trade journal tells why. In the praise being heaped upon the media masters and soothsayers and direct-mail artists, all sorts of wondrous things are being attributed to them. Upon actually meeting these political wizards, after preparatory reading of hundreds of articles by awe-struck commentators, one inevitably is reminded of Dorothy's disappointment when she unmasked the Wizard of Oz. For, despite their clever public posturings, consultants have no potions or crystal balls, and most of them will admit it forthrightly, at least in private. "If I knew the successful formula," conceded one long-time professional, "I would patent it."

It is reassuring (perhaps deceptively so) to hear one of the most widely experienced generalist consultants, Stuart Spencer, proclaim that "There are good politicians and there are bad politicians, and all the computers and all the research in the world are not going to make the

campaign situation any better when bad politicians are involved.” Spencer may well be right that consultants cannot turn a sow’s ear into a silk purse (although at least a couple of exceptions come to mind). ... [W]ill certainly provide some evidence that a less radical transformation at the consultant’s hand is possible, that a black sheep can become a white one upon application of a little dye and a corroded silver dollar can be transformed into a shiny one with a chemical and a bit of polish. Consultants and the new campaign technology have not changed the essence of politics. Politics is still persuasion, still a firm, friendly handshake. But the media of persuasion are no longer the same, and the handshake may be a projection or even an illusion.

Whatever the degree of their electoral influence, consultants—most of them—have talent and enormous experience. One hastens to add that a few well-publicized consultants do not live up even vaguely to their advance billing. As one top professional observed: “The only thing that keeps some of them alive is luck and being in the right place at the right time. They don’t really affect anything in a dramatic way because they don’t have the political instinct to do it.” By and large, however, consultants are hard-working professionals: very bright and capable, politically shrewd and calculating, and impressively articulate. They travel tens of thousands of miles every year, work on campaigns in a dozen or more states simultaneously, and eat, breathe, and live politics. They are no less political junkies than the candidates they serve. For the most part, they are even less concerned with issues, the parties, and the substance of politics than their clients. They are businessmen, not ideologues.

While admired for their abilities and acumen, consultants also suffer an unsavory reputation in some quarters, and certainly among the general public, whose distrust of seamy, “smoke-filled-room” political operatives is traditional and enduring. At best consultants are seen as encouraging the natural instincts of plastic politicians. (“Gripp, Grinn, Waffle, & Faykit” is the sign cartoonist Jeff MacNelly hangs outside his fictional consulting firm.) At worst, consultants are denounced as “hustlers and con men,” as Joe Napolitan put it.¹ Consultants bristle at the

slightest mention of any unfavorable press, blaming the criticism on the politicians they work for. As media consultant Michael Kaye expressed it:

People don’t like politicians. So no matter how skillfully a political consultant like me does his work, I am a bad guy. I am a packager. I am a manipulator. Now, is it because of what I do, or is it the product that I sell?

Yet widespread doubt about the work of consultants has a basis more thoughtful than Kaye’s analysis suggests. That basis is a deep concern for the health and well-being of the democratic process. What consultants seem to forget is that their work cannot be evaluated solely within the context of their profession. “Is this artful media?” or “Is this an effective piece of direct mail?” or “Did this action by a political consultant help to elect candidate X?” are legitimate questions and necessary ones for any judgment of a particular consultant’s worth. But the ultimate standard by which the *profession* of political consulting is judged cannot merely be success in electing or defeating candidates. There are much more vital considerations of ethics and democracy to ponder, because electoral politics is the foundation of any democratic society, and important actors in the political sphere must necessarily be the subject of special scrutiny.

...[T]o provide that scrutiny and to offer an informed discussion of the consequences of the consultant’s trade and his new campaign technology. While an observer can reasonably conclude ... that most politicians have been fairly well served by their election professionals, it simply does not follow that the public and the political system have been equal beneficiaries. As the influence of consultants has grown, some very disquieting questions have begun to loom large. Influence peddling, all kinds of financial misconduct, shameful acts of deception and trickery, and improprieties with former clients who are in public office are only a few of the compromising and unethical practices found in far too many consultants’ portfolios. At the root of some of the worst offenses is a profit motive unrestrained by ties to party, ideology, or ideals. Sadly, the truth is much as political columnist Jack Germond suggests: “Philosophy

and party don't motivate most of the political consultants. Money does, partially, and there is a lot of money to be made if you're any good."

As distressing as they are, the ethical concerns fade by comparison to the democratic effects wrought by consultants. Political professionals and their techniques have helped homogenize American politics, added significantly to campaign costs, lengthened campaigns, and narrowed the focus of elections. Consultants have emphasized personality and gimmickry over issues, often exploiting emotional and negative themes rather than encouraging rational discussion. They have sought candidates who fit their technologies more than the requirements of office and have given an extra boost to candidates who are more skilled at electioneering than governing. They have encouraged candidates' own worst instincts to blow with the prevailing winds of public opinion. Consultants have even consciously increased nonvoting on occasion and meddled in the politics of other countries.

These activities have not occurred in a vacuum. The rules of the political game have been altered dramatically, with consultants clearly benefiting from the changes. The decline of the political parties and the establishment of a radically different system of campaign finance are foremost among the developments that consultants have turned to their advantage. For example, as a direct consequence of the diminution of party strength, a diminution to which consultants have themselves contributed and, in some cases, cheered, consultants have replaced party leaders in key campaign roles.

Yet the power flow from party leaders to political consultants does not have to continue, nor must unethical practices remain unchecked. Consultants and their apologists quite naturally can see no system better than the current one, and they will always have a ready excuse for distasteful doings in their profession. But those who lament the recent technological changes in electioneering have only to look to one of the major parties to see the path of renewal that these same new campaign technologies have made possible. A revitalized national and state Republican party organization, fueled by the marvels consultants had previously harnessed for themselves and monopolized, has provided

the model that can tame consultant abuses and develop a healthier, party-based electoral system in the future. This auspicious development and its considerable potential for good will be the object of special examination later...

IMAGES AND ROLES OF POLITICAL CONSULTANTS

The term "political consultant" is bandied about so loosely that any discourse on the subject must begin by attempting to define it. A *political consultant* is a campaign professional who is engaged primarily in the provision of advice and services (such as polling, media creation and production, and direct-mail fund raising) to candidates, their campaigns, and other political committees. Broadly the title can adorn almost any paid staffer on even the most minor of campaigns. Here, however, we shall concentrate on the relatively small and elite corps of interstate political consultants who usually work on many campaigns simultaneously and have served hundreds of campaigns in their careers. They are the sellers, and often the creators, of advanced campaign technology and technique.

There are basically two kinds of consultants. A *generalist* consultant advises a candidate on most or all phases of his campaign and coordinates most or all aspects of the technology employed by the campaign. A *specialist* consultant concentrates on one or two aspects of the campaign and peddles expertise in one or two technological specialties. While almost all of the early consultants were generalists, most consultants today are specialists (who nevertheless often advertise themselves as generalists).

Whether generalist or specialist, the consultant's primary role is the same: to provide services to campaigns. A consultant is hired to conduct a series of public opinion surveys or create a precinct organization or orchestrate a direct-mail fund-raising effort. The secondary roles played by consultants, however, are sometimes more intriguing and just as substantive as the provision of technological services. There is, for example, the "expert" role, a position accorded the consultant by the campaign staff and the candidate because of his wide experience and masterful reputation.

(In many campaigns the consultant probably has more influence, and his every word is weighed more carefully than his actual experience or his degree of involvement with the campaign can justify.) Even though he may only visit the campaign once a month or talk with campaign officials weekly, the political professional frequently becomes the grand strategist, designing and supervising the “game plan,” orchestrating the press, and selecting the candidate’s issues.

Because of the respect he is given as “the expert,” the consultant more often than not also seems to assume the role of the candidate’s confidant. As media consultant Douglas Bailey has suggested, “Most candidates are hiring outside consultants because within the campaign and within their circle of friends, they don’t have anyone whom they feel has the experience or the savvy to satisfy their need for reassurance that they’re doing it right or that they can win.”

Another media professional, Robert Goodman (who produced advertisements for George Bush’s 1980 Republican presidential bid), emphasizes the psychological aspects of the consultant’s tour of duty:

George Bush said to me after four hours with him one day at his house, “Are you a psychiatrist or a filmmaker?” We’re really into psychiatry.... It is incumbent upon the media guy to really look at the candidate and try to lead him past those personality landmines that will destroy him if he doesn’t loosen up and do his thing.

These roles are hardly the only ones in the consultant’s repertoire. He often finds himself a trusted postelection adviser when his clients win public office. Most significantly, and regrettably, he and his technological wares are “party pinch hitters,” substituting for the weakened parties in a variety of ways.

A BRIEF HISTORY OF POLITICAL CONSULTING

There have always been political consultants in one form or another in American politics, but the campaign professionals of earlier eras were

strategists without benefit of the campaign technologies so standard today. Usually, too, consultants were tied to one or a few candidates, or perhaps to a state or local party organization. Before consulting became a full-time profession, lawyers were often assigned campaign management chores since they had a flexible work schedule as well as the personal finances and community contacts to do the job properly.² The old-time press agent, usually a newspaperman familiar with the locale,³ was also a crucial and influential figure in campaign organization. But in most cases these lawyers and press agents were only functionaries when compared to party leaders and organization bosses who wielded far greater authority in political matters.

On a separate track, one supported by the business community, the profession of public relations was developing. As Stanley Kelley, Jr. has stated, “Business was, and is still, the public relations man’s most important patron.”⁴ Businessmen saw image making as a way to counter a rising tide of business criticism. The federal government followed in close pursuit of public relations professionals, expanding their role considerably during the New Deal. State and local governments, charities, religions, and colleges in succession all saw the “P.R. promise.”

Dan Nimmo has called political consultants the “direct descendants” of the public relations professionals,⁵ and the growth of both groups is clearly related to some similar phenomena, especially the revolution in mass media communications. Yet political consulting has causes all its own. The decline of the political parties has created opportunities for consultants and the tools of their trade. New means of financing campaigns, telling the candidate’s story, and getting the candidate’s voters to the polls became necessary as the parties’ power waned. The new campaign techniques and the development of air travel, television, and the computer combined to give consultants the substitutes candidates desired. The fact that these techniques quickly became too complex for laymen to grasp easily—consultants themselves were forced to specialize to keep up with changes—and the acknowledged American need for, and trust in, experts, made professionals that much more attractive. Even if false, the

belief that consultants' tricks could somehow bring order out of the chaos of a campaign was enormously reassuring to a candidate. And rising campaign costs (and expenditure and contribution limitations) have placed a premium on the wise use of every campaign dollar. All of these alterations of the political map seemed powerful arguments for hiring political consultants, who gradually became an unquestioned essential for serious campaigns. Everyone now needs them if only because everyone else has them.

The consulting movement coalesced first in California.⁶ The state's traditionally anemic party system was weakened further in the twentieth century by the addition of new social welfare programs, a broadened civil service system, and a sprawling suburban shift from the central cities matched by the influx of hundreds of thousands of migrants from the East, Midwest, and South. The sheer growth in the size of the electorate made organizing difficult (and redistricting an even more wrenching and enveloping process). Finally, California was in the forefront of the popular initiative and referendum movement, and had an exceptionally long ballot and a multiplicity of elections.

It was during an initiative campaign, in fact, that modern political consultants first had a major effect.⁷ In 1933 the California legislature passed a bill authorizing a flood control and irrigation development in northern California (called the Central Valley Project), which the Pacific Gas and Electric Company (PG&E) believed to be a threat to private power. The utility promptly launched a ballot initiative to reverse the decision. The project's proponents hastily enlisted Clem Whitaker, a Sacramento newsman and press agent, and Leone Smith Baxter, a public relations specialist, to mastermind a campaign to defeat PG&E's initiative. On a limited budget of \$39,000, and using radio and newspaper appeals, Whitaker and Baxter managed to save the Central Valley Project.

Not only did PG&E hold no grudge, it actually put Whitaker and Baxter on annual retainer! The two consultants incorporated themselves (as Campaigns, Inc., and later as Whitaker and Baxter Campaigns) and eventually married as well.⁸ There were two decades of smooth sailing for the firm, operating out of San Francisco,

and the lack of extensive competition⁹ enabled it to post a 90 percent success rate in seventy-five major campaigns. Eventually, rival California consultants (such as Republicans Stuart Spencer and Bill Roberts and Democrats Don Bradley, Joseph Cerrell, and Sanford Weiner) came to the fore and reduced Whitaker and Baxter's edge and win-loss record.¹⁰

By the early 1950s it had become obvious that political professionals were playing an increasingly important part in electoral politics, so much so that Neil Staebler, then chairman of Michigan's Democratic party, alarmed a congressional committee with his prediction that "... elections will increasingly become contests not between candidates but between great advertising firms."¹¹

While Staebler's vision seems a bit exaggerated even today, he was surely right in suggesting a role for consultants far beyond their relatively limited involvement in some statewide and national races in 1952. Political scientist Alexander Heard's survey of state party committees in 1956–1957 showed remarkable growth in a short time. Democratic state party committees in fifteen states and GOP committees in eighteen states employed public relations firms at some point during those years, and in many cases a high proportion of the committees' funds was spent for retainers.¹² Of the 130 public relations firms he contacted, 60 percent had had some kind of political account between 1952 and 1957, and forty firms in fifteen states reported that they could assume complete responsibility for a campaign.

Two decades later political consultants had become a campaign standard across the United States, and not just for major national and statewide contests. State races for lesser offices and U.S. House seats, and elections for local posts and even judicial offices, frequently had the services of one or more consultants. For example, a 1972–1973 survey indicated that 168 of 208 candidates running for state office had hired at least one political professional: sixty-one of sixty-seven U.S. Senate candidates, thirty-eight of forty-two gubernatorial candidates, thirty of thirty-seven attorney general contenders, and even nineteen of thirty-one and twenty of thirty-two aspirants for secretary of state and state treasurer.¹³ Most politicians seeking

major office attract a small committee of consultants. A *National Journal* review of sixty-seven opposed campaigns for U.S. Senate in 1970 revealed that sixty-two had an advertising firm, twenty-four had a pollster, and twenty secured help from some sort of campaign management firm.¹⁴ Just five candidates made do with no consultants.

Consultants, moreover, rarely miss an opportunity to expand their domain. The judicial field in California is a classic illustration. In Orange County a judge seeking another term was defeated in 1940, and none ever lost again until 1978 when four county judges were beaten simultaneously. Sitting judges became understandably nervous and sought professional assistance. Joseph Cerrell and Associates, which had never done a judicial campaign until 1978, suddenly had nine at once. The agency's candidates, all incumbents up for reelection, made a clean sweep (at \$7,500 apiece). Flushed with success, Cerrell sponsored a conference on Judicial Campaigning in 1979, designed for judges of the superior and municipal courts. For a \$100 registration fee a judge would be treated to sessions on topics such as "Campaigning with Dignity: Maintaining the Judicial Image."

The number of consultants has skyrocketed along with the demand for their services. As late as 1960 there were relatively few full-time professionals in the field; twenty years later there are hundreds—thousands if local advertising agency executives specializing in politics are counted. In addition, they handle a great deal besides candidates' campaigns. Referenda, initiatives, bond issues, and political action committees (PACs) sustain many firms. Some consultants enjoy overseas work in foreign campaigns or specialize in primary and convention nomination battles as well as general elections. Today the average modern professional manages more campaigns in a year than his predecessors did in a lifetime....

End Notes

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2. W. E. Barnes in *The San Francisco Examiner*, July 25, 1979.
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4. *Ibid.*, p. 13.
5. Dan Nimmo, *The Political Persuaders: The Techniques of Modern Election Campaigns* (Englewood Cliffs, N.J.: Prentice-Hall, 1970), p. 35.
6. *Ibid.*, pp. 35-37.
7. Barnes in *The San Francisco Examiner*.
8. See Kelley, *Professional Public Relations and Political Power*, pp. 39-66, for a history of the Whitaker and Baxter firm.
9. Baus and Ross of Los Angeles, a rival consulting firm started by one of Whitaker-Baxter's former employees, provided what competition existed. Both firms primarily handled Republicans.
10. Nimmo, *The Political Persuaders*, p. 36, n. 2d. Whitaker and Baxter has now effectively withdrawn from candidate campaigns.
11. Hearings before the Special Committee to Investigate Campaign Expenditures, 1952, House of Representatives, 82nd Congress, 2nd session, p. 76: as quoted in Kelley, *Professional Public Relations and Political Power*, p. 2.
12. Alexander Heard, *The Costs of Democracy* (Chapel Hill: University of North Carolina, 1960), pp. 415-477. Heard notes that his totals were probably understated because of the limitations of his survey.
13. Robert Agranoff, (ed.) *The New Style in Election Campaigns* (2nd ed.) (Boston: Holbrook Press, 1976), p. 8. See also David Rosenbloom, *The Election Men: Professional Campaign Managers and American Democracy* (New York: Quadrangle, 1973). Rosenbloom indicates a 650 percent growth rate in consulting firms overall between 1952 and 1970, an 842 percent increase in consultant involvement in U.S. House of Representatives contests, and a 300 percent increase in their employment for local elections.
14. See *National Journal*, September 26, 1970, pp. 2084-2085.

News That Matters

*Shanto Iyengar and
Donald Kinder*

Not so very long ago, television was “nothing but a gleam in the entrepreneurial eye” (Weaver 1975, 81).¹ No longer. In just four decades, it has become a comfortable and easy habit, a settled and central institution. As television has moved to the center of American life, TV news has become Americans’ single most important source of information about political affairs. The purpose of our effort has been to provide a systematic examination of this new relationship. ... [W]e summarize our principal results and position them within the context of the broader literature on mass communication and politics. We argue that, for good or ill, television news has become a regular participant in the American political process. Finally, as a means of assessing the normative implications of our results for a democratic society, we discuss the ways in which television news conveys unusual and distinctive views of politics—views that eventually become our own.

RECAPITULATION OF RESULTS

Agenda-setting

Americans’ views of their society and nation are powerfully shaped by the stories that appear on the evening news. We found that people who were shown network broadcasts edited to draw attention to a particular problem assigned greater

importance to that problem—greater importance than they themselves did before the experiment began, and greater importance than did people assigned to control conditions that emphasized different problems. Our subjects regarded the target problem as more important for the country, cared more about it, believed that government should do more about it, reported stronger feelings about it, and were much more likely to identify it as one of the country’s most important problems. Such differences were apparent immediately after conclusion of the broadcasts one day later, and one week later. They emerged in experiments explicitly designed to test agenda-setting and in experiments designed with other purposes in mind; in sequential experiments that drew the viewer’s attention to the problem each day for a week and in assemblage experiments that lasted but one hour; and for a broad array of problems: defense, pollution, arms control, civil rights, energy, social security, drugs, and education. Moreover, these experimental results were generally corroborated by our analysis of trends in network news coverage and national public opinion. That we found essentially the same result using different methods strengthens our conclusion that television news shapes the relative importance Americans attach to various national problems.

To our surprise, the basic agenda-setting effect was not generally enhanced by vivid

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presentations. If anything, dramatic accounts of personal travails chosen to illustrate national problems appear to undermine agenda-setting, particularly when viewers blame the victims for the troubles that have befallen them. We assume that vivid presentations may enhance agenda-setting, provided viewers regard the victims as innocent. For example, intimate, poignant film of Ethiopian children dying of starvation may drive home the meaning of famine in a way that written accounts cannot. Because such children may be widely understood to be blameless victims of a cruel fate, vivid presentations may add to the viewer's conviction that the African famine is a serious problem. Our results, however, showed only that stories of personal suffering, powerfully depicted, generally did not raise the priority viewers assigned to the target problems.

Our experiments showed that the position of a story in a broadcast did affect agenda-setting. Lead stories were generally more influential than nonlead stories. Our analysis of survey data showed that lead stories exerted a much more profound agenda-setting effect than nonlead stories. We suspect that viewers may simply pay more attention to the first story than to stories that appear later on and that disruptions in viewing are especially likely to occur at home. An alternative explanation of the lead story advantage is that the public may perceive lead stories as being particularly newsworthy. Certainly the networks claim to select the lead story on these grounds.

Television news is, of course, not the only source of information people draw on when thinking about the nation's problems. Another is personal experience. Using both experimental and national survey data, we found that people who encountered problems in their everyday lives were more inclined to see these problems as important for the country as a whole than were individuals not so affected. In particular, we found that blacks attached more importance to civil rights than did whites and that the elderly attached more importance to the viability of the social security system than did the young. When people think of themselves as members of a victimized group, they appear to see their own problems as serious and legitimate ones for the country.

Our special interest in personal predicaments was in the possibility that they might serve as predisposing factors making viewers more vulnerable to a particular news agenda. For the most part, that is just what we found. News coverage of civil rights was more influential among blacks than among whites; coverage of unemployment proved more influential among the unemployed than among the employed; and coverage of the possible bankruptcy of the social security system was a more compelling message for the elderly than for the young. The general point here is that television news appears to be most powerful when it corroborates personal experience, conferring social reinforcement and political legitimacy on the problems and struggles of ordinary life.

Overall, we see our results on agenda-setting as a vindication of Lippmann's observations of more than a half-century ago. Although Lippmann was writing with newspapers in mind, his analysis is nevertheless highly relevant to the place of television news in contemporary American society. His observation that citizens must depend on others for their news about national and world affairs—a world they cannot touch themselves—is amply confirmed here. What we have done is to begin to uncover the various and specific ways that television news determines the citizen's conception of the “mystery off there.”

Priming

While our agenda-setting results contribute to a long-standing tradition inaugurated by Lippmann and sustained by others, our results in the matter of priming offer a more original perspective. Priming presumes that when evaluating complex political phenomena, people do not take into account all that they know—they cannot, even if they are motivated to do so. Instead, they consider what comes to mind, those bits and pieces of political memory that are accessible. Television news, we supposed, might be a powerful determinant of what springs to mind and what is forgotten or ignored. Through priming (drawing attention to some aspects of political life at the expense of others) television news might help to set the terms by which political judgments are reached and political choices made.

Our results support this claim handsomely. When primed by television news stories that focus on national defense, people judge the president largely by how well he has provided, as they see it, for the nation's defense; when primed by stories about inflation, people evaluate the president by how he has managed, in their view, to keep prices down; and so on. According to a variety of tests, priming is both powerful and pervasive: it emerges in a number of independent tests for arms control, civil rights, defense, inflation, unemployment, and energy; for a Democratic president (Carter) as well as for a Republican one (Reagan); in different experimental arrangements; in response to good news as well as to bad; and in analyses that estimate priming while controlling for the possibility of projection. All this suggests that television news does indeed shape the standards by which presidential performance is measured.

Because our experiments manipulated the attention paid to major national problems, we expected that viewers' judgments of overall presidential performance would be primed more effectively than would assessments of presidential character, whose determinants we assumed were more diverse, an intermixing of the political and the personal. This expectation was confirmed. We also expected that priming would be more pronounced in viewers' assessments of the president's competence than in assessments of his integrity, on the grounds that success or failure in such areas as national defense, inflation, arms control, and the like would reflect more on the president's competence than on his integrity. This expectation was supported in every detail in the case of President Carter but sharply and consistently violated in the case of President Reagan. This unanticipated result suggests that the public may be most susceptible to priming on those aspects of the president's character that are most open to debate. For President Carter, it was a question of competence—was he up to the demands of the job? For President Reagan, it was more a question of trust—did he care for the welfare of all Americans? At a more general level, the aspects of presidential character that the public takes seriously may be determined by the broader political context. Flagrant scandal may underscore trust and integrity, while runaway

inflation may feed anxieties about competence and leadership. Should this be so, it would be a case of priming on a historical scale, with potentially historical consequences.

We further found that the power of television news to shape the standards by which presidents are judged is greater when stories focus on the president, and less when stories focus attention elsewhere. When coverage implied that the president was responsible for causing a problem or for solving it, the priming effect increased. When coverage implied that forces and agents other than the president were responsible for the problem, the priming effect diminished. These effects were particularly apparent for problems relatively new to the American political agenda, for which public understanding is perhaps less solidly formed and therefore more susceptible to the way that television news frames the matter of responsibility.

Our final pair of experiments demonstrate that the networks' agenda also primes the choices voters make. First, voters who were shown local news coverage that emphasized the state of the economy, the president's economic policies, and the implications of such policies for the impending midterm elections, relied heavily on their assessments of economic conditions when deciding which congressional candidate to support. In contrast, voters who watched local broadcasts devoted to the congressional candidates themselves—their positions on policy questions, group endorsements, or personal backgrounds—assigned great importance to these qualities in their choices. These results show that television news (*local* television news in this case) can alter the grounds on which elections are contested. Depending on the interests and resources of local television stations, congressional elections can either be a referendum on the president's economic performance, or purely a local contest between two distinct candidates.

The second experiment moved to the presidential level by reconstructing the intensive coverage lavished upon the Iranian hostage crisis in the closing days of the 1980 presidential campaign. The results suggested, in line with the priming hypothesis, that such coverage encouraged viewers to cast their votes on the basis of President Carter's performance on foreign affairs.

Because Carter was widely perceived as ineffectual in his dealings with foreign countries, priming in this case may have dealt a final and fatal blow to the President's reelection chances, transforming an election that appeared breathtakingly close on Saturday into a decisive Republican victory on Tuesday.

MINIMAL EFFECTS REVISITED

Our results imply that television news has become an imposing authority, one that shapes the American public's political conceptions in pervasive ways. This conclusion seems to contradict the minimal effects verdict reached by most empirical research on the political consequences of mass media. How can this discrepancy be understood?

Serious and systematic empirical research on mass media and American politics began in the 1930s, motivated both by the spread of fascism abroad and by what many took to be the sinister proliferation of radio at home. But in a brilliant study of the 1940 presidential election described in *The People's Choice*, Lazarsfeld, Berelson, and Gaudet² (1948) concluded that media simply strengthen the predispositions that were already in place prior to the campaign. Meanwhile, an extensive and well-controlled series of experimental studies undertaken during World War II found that films designed to indoctrinate new draftees failed rather spectacularly (Hovland, Lumsdaine, and Sheffield 1949).³ The avalanche of research on political persuasion that soon followed these path-breaking and ambitious efforts drove home the same point again and again: while propaganda reinforces the public's preferences it does not, and perhaps cannot, change them.

Political persuasion is difficult to achieve, but agenda-setting and priming are apparently pervasive. According to our results, television news clearly and decisively influences the priorities that people attach to various national problems, and the considerations they take into account as they evaluate political leaders or choose between candidates for public office. Had we been interested in studying persuasion, we would have designed other experiments and would have written another book. More likely, we would have written no book at all, since we probably would have

had little new to say. That is, had our television news experiments set out to convert Democrats to Republicans, or pro-choice advocates to pro-life advocates, we strongly suspect that the results would have demonstrated yet more evidence in support of minimal effects. Our results on priming in the final days of the 1980 presidential election suggest that persuasion *is* possible, but only under very special circumstances: (1) large numbers of voters remain uncommitted in the closing days of the campaign; (2) late-breaking political events attract considerable media coverage and focus attention on a single aspect of the national condition; and (3) the political developments decisively favor one candidate over the other. But as a general matter, the power of television news—and mass communication in general—appears to rest not on persuasion but on commanding the public's attention (agenda-setting) and defining criteria underlying the public's judgments (priming).

We do not mean to suggest that television's power to set the public agenda and to prime citizens' political choices is unlimited. In fact, our studies suggest clear limits to television's power, which must be kept in mind as we try to decipher the broader significance of our findings.

One limitation is that the agenda-setting effects detected in our experiments were generally confined to the particular problem featured in the edited newscasts. Stories about energy affected beliefs about the importance of energy and energy alone, stories about defense affected beliefs about defense alone, and so on. Such specificity may reflect both the way that the networks typically package the news—in tight, self-contained bundles (Weaver 1972)⁴—and the way that most Americans think about politics, innocent of broad ideological frameworks that might link one national problem with another (Converse 1964; Kinder 1983).⁵ Whatever its cause, the specificity of agenda-setting serves to constrain and channel television's influence. Because of the specific nature of the agenda-setting effect, Americans are unlikely to be swept away by any coherent vision of the country's problems. More likely, they will be pushed and pulled in various directions as discrete problems emerge, rise to prominence, and eventually fade away.

Second, Americans are not without informational resources of their own. We found that agenda-setting is weakened among those viewers who are most deeply engaged in public life, presumably because their priorities are more firmly anchored. Because their opinions about the national condition are stronger, they are buffered less by day-to-day fluctuations in the networks' agendas. We also found that priming is weakened among those who, in effect, are not ready to be primed, by virtue of their partisanship or their tacit theories about national problems. Democrats confronted with news about "Republican" problems, like Republicans confronted with "Democratic" problems, or like viewers whose understanding of national problems is either poorly worked out or does not include links between the president and the problem are, as a consequence, less vulnerable to priming. Television news defines political reality more completely for some Americans than for others.

There is a final and perhaps most important point to make regarding limitations on the power of television news. Each of our experiments on agenda-setting manipulated attention paid to problems that could all plausibly be regarded as relevant to the national interest, each widely understood as having the potential to affect millions of Americans seriously and adversely. Our hunch—unfortunately not tested—is that our experiments could not create concern over *implausible* problems. Had we inserted news stories portraying the discrimination faced by left-handers we very much doubt that viewers would suddenly put aside their worries about unemployment, defense, and environmental degradation. Nor do we think that television news could long sustain a story that was radically at odds with other credible sources of information. In the midst of booming prosperity, could the networks convince Americans that the economy was actually in a shambles? Or, turning the question around, in the depths of a severe recession, could the networks convince the public that times were good? We don't think so, though again we have little direct evidence. We believe that the networks can neither create national problems where there are none nor conceal problems that actually exist. What television news does, instead, is alter the

priorities Americans attach to a circumscribed set of problems, all of which are plausible contenders for public concern.

In a parallel way, our experiments on priming reveal that the news reorders the importance viewers attach to various *plausible* standards of political evaluation: our experiments were not designed to test whether network news could induce viewers to apply trivial or irrelevant standards of evaluation to presidents or political candidates. We can only guess that had such experiments been conducted, they would demonstrate that television news cannot induce voters to abandon the traditional standards of evaluation.

In summary, television news shapes the priorities Americans attach to various national problems and the standards they apply to the performance of their government and the qualifications of their leaders. Although subject to limitations (television news cannot create priorities or standards out of thin air) television's power to shape political priorities is nonetheless formidable, as we will see shortly. This view clashes with the romantic ideal of the democratic citizen: one who is informed, skeptical, deeply engaged in public affairs, and thoughtful about the state of the nation and the quality of its leadership. But we know from other evidence that this vision is hopelessly idealistic; in fact, Americans pay casual and intermittent attention to public affairs and are often astonishingly ignorant of the details of contemporary politics (Kinder and Sears 1985).⁶

No doubt a portion of this indifference and ignorance can be attributed to candidates and government officials who practice evasion and deceit, and to the mass media (and especially television news), which operate all too often as if the average American were seven years old. But some of the indifference must be traced to the minor place accorded politics in everyday life. It seems to us highly unreasonable to demand of average citizens that they carefully and skeptically examine news presentations. If politics is ordinarily subordinate to the demands and activities of earning a living, raising a family, and forming and maintaining friendships, then citizens should hardly be expected to spend much of their time and energy each day grappling with the flow of news. How then do Americans "understand" politics?

The answer is that we muddle through. Faced with the enormous complexity and uncertainty of the political world, possessed of neither the motivation nor the wits to optimize, we strike various compromises. We resort to cognitive shortcuts (Tversky and Kahneman 1974)⁷ and settle for acceptable solutions (Simon 1955).⁸ As a consequence of such compromises, our judgments are often creatures of circumstance. What we think about the federal deficit, turmoil in Latin America, or the performance of our president depends less on what we know in some complete sense and more on what happens to come to mind.

The general moral here is that judgment and choice are inevitably shaped by considerations that are, however briefly, accessible. And when it comes to political judgment and choice, no institution yet devised can compete with television news in determining which considerations come to light and which remain in darkness.

POLITICAL RAMIFICATIONS

Although it was not our purpose to investigate the political ramifications of agenda-setting and priming directly, we nevertheless feel obliged to spell out what we take them to be. In doing so, we are in effect making explicit the assumptions that motivated our research. We undertook the various investigations reported here under the assumption that *if* television news could be shown to be a major force in shaping the viewing public's conception of national life, the political ramifications would be portentous. With the results now in, we believe that through agenda-setting and priming, television news affects the American political process in at least three important ways: first, by determining which problems the government must take up and which it can safely ignore; second, by facilitating or undermining an incumbent president's capacity to govern, and third, by intruding, sometimes dramatically and decisively, upon campaigns and elections.

The Government's Agenda

If television news influences the priorities Americans attach to national problems, and if such priorities eventually shape governmental

decision-making, our results on agenda-setting become important for what they reveal about the formation of public policy. The essential question, then, is whether policy makers heed instruction from the general public in selecting which problems to consider and which to ignore.

We believe that public opinion does influence the governmental political agenda. We also agree with V. O. Key,⁹ however, that although public opinion influences the focus and direction of government policy, such influence is sharply limited:

The articulation between government and opinion is relatively loose. Parallelism between action and opinion tends not to be precise in matters of detail; it prevails rather with respect to broad purpose. And in the correlation of purpose and action time lags may occur between the crystallization of a sense of mass purpose and its fulfillment in public action. Yet in the long run, majority purpose and public action tend to be brought into harmony (1961, 553).

The "harmonizing" of government policy and public opinion is loose, and sometimes occurs very gradually, partly because ordinary Americans are indifferent to and uninformed about the details of policy, and partly because of the successful intervention of organized interests whose preferences depart from those of the unorganized public (Edelman 1964; McConnell 1966; Schattschneider 1960).¹⁰ Nevertheless, the national government does appear to respond, if slowly and imperfectly, to the public's wishes (e.g., Burstein 1979; Burstein and Freudenburg 1978; Page and Shapiro 1983; Verba and Nie 1972; Weissberg 1976).¹¹ Thus, television news must assume a significant role in the intricate process by which citizens' inchoate goals and concerns eventually become government policy.

Presidential Power

Television news may also influence an incumbent president's capacity to govern. As Neustadt (1960)¹² proposed and others have shown (Kernell 1986; Rivers and Rose 1985),¹³ presidential power derives partly from public approval. A president

who is admired by the people tends to be powerful in Washington. The proliferation of opinion polls has accentuated this connection. Of course, public approval is not the only factor affecting a president's success. But other things being equal, the Congress, the governmental bureaucracy, world leaders, the private sector, and the executive branch itself all become more accommodating to a president who is riding high with the public. As television news shapes the criteria by which the president's performance is measured, so may it indirectly contribute to a president's power.

This point has not escaped presidents and their advisers. Without exception, presidents in the television age have assiduously sought to control the criteria by which they are viewed and evaluated. From the careful staging of news conferences to the manufacturing of pseudoevents, "making news" and "going public" have become essential presidential activities (Kernell 1986). Our findings suggest that presidents would be foolish to do otherwise. To the extent that the president succeeds in focusing public attention on his accomplishments while distracting the public from his mistakes, he contributes to his popularity and, eventually, to the influence he can exercise over national policy.

The Electoral Process

Finally, our results suggest that by priming some considerations and ignoring others, television news can shift the grounds on which campaigns are contested. Priming may therefore determine who takes office—and with what mandate—and who is sent home. Moreover, election results do matter in tangible ways: elected officials pursue policies that are broadly consistent with the interests of their core political constituencies (e.g., Bunce 1981; Cameron 1977; Hibbs 1977).¹⁴ Consequently, insofar as television news contributes, if unwittingly, to the success of one candidate over another, the results on priming we have uncovered here are politically important.

It seems clear to us that television news has become a major force in the American political process. The problems that government chooses to tackle, the president's power over the focus and direction of national policy, and the real and

tangible consequences of elections are all affected by the glare of the television camera. Less clear is whether this influence is necessarily undesirable. Whether, as many maintain, television threatens public opinion and menaces democratic government would seem to turn on the question of how faithfully the pictures and stories that appear on the news each night portray what of real consequence is actually happening in the world.

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43

Processing Politics: Learning from Television in the Internet Age

Doris Graber

THE "NEW" TELEVISION AUDIENCES

What kinds of programming preferences will the television journalists of the next few decades have to satisfy? Answering that question requires discussion of the major changes in attitudes toward political information between the baby boomer generation and their parents, on one hand, and the Internet generation, on the other. The early twenty-first century will belong to the Generation Xers, born in the 1960s and 1970s, and their offspring, who were immersed in

televised information from infancy onward. While it is always hazardous to project generational changes, it seems quite likely that the children of GenXers, raised in the age of audiovisual plenty, will continue the trends in audiovisual information-gathering set in motion by their parents and grandparents. What do studies of GenXers tell us about their choices of political information and their preferred information delivery systems?

GenXers have spent more time watching the world unfold on audiovisual monitors than in any

From Doris Graber, *Processing Politics: Learning from Television in the Internet Age* (Chicago, IL: The University of Chicago Press, 2001), pp. 161–169.

other waking-hours activity. They have learned from infancy on to prize the creation of virtual reality that visual presentations make possible. GenXers like a great deal of control over their information supply, rather than patiently watching what newscasters have assembled for them in a newscast. GenXers are not intimidated by the technologies that need to be mastered to get information from multiple sources. As table 43.1 shows, three out of four GenXers like to skip television stories at will, and two-thirds enjoy selecting additional information for stories of their choice. Many relish having hundreds of different news sources at their fingertips. They also are perpetual surfers who move quickly from program to program unless a presentation truly engages them. When it comes to political information, half indicate that they want instant, round-the-clock access to news at times of their choosing.

GenXers like to participate in shaping their information menu. Half of them, according to table 43.1, enjoy assembling their own television programs, picking and choosing among stories. They also demand interactivity. This is the “talking back to your television” concept that first surfaced in the 1960s. But, above all, GenXers are niche viewers. They want to limit their news consumption, including news about politics, to the information that interests them most. They resist being told what information they ought to consume. That means that they skip stories they do not like and are eager to get more information about preferred stories at the punch of a button or the click of a computer mouse. Modern

technologies make it possible to indulge all of these preferences. The supply of political information has grown exponentially, thanks to cable television, the Internet, and a bevy of new digital television channels. Viewers are able to collect these riches at will.

Even though studies of generational changes in interest show that curiosity about some aspects of politics has diminished, GenXers retain an appetite for political news. More than half claim high interest in news about their local communities and their state, and nearly half say they are interested in news about the entire country.

Table 43.2 shows the types of programs in which GenXers claim to be “very interested.” These programs should therefore be priorities for information suppliers, as long as expressed interests continue to be corroborated by audience statistics. Local community events rank at the top of news preferences for all generational groups. In fact, 45 percent of GenXers watched local news regularly in 2000 compared to 17 percent who watched network news (Pew 2000b). Events in one’s state of residence are second, and news about the country ranks third. At the turn of the twenty-first century, average Americans, including GenXers, by and large, are most interested in politics close to the grassroots. When news focuses on events abroad rather than events at home, interest drops sharply. Only 23 percent of GenXers express keen interest in international news—on a par with their interest in news about consumer products and about entertainment and celebrities. Interest in day-to-day reports about

TABLE 43.1 Interest in Technological Innovations by Generation (%)

Type of Innovation	GenXers	Parents	Grandparents
Skip TV stories at will, as in newspapers	74	69	49
Click button for more information on story	66	61	38
Select news mix (politics/sports/weather)	54	53	32
Design program from story menu	50	49	27
Have Instant access to news any time	50	45	30
Choose from 100+ channels	43	33	14

Source: Excerpted from *News in the Next Century* 1996, 67.

TABLE 43.2 News Interests by Generation (%)

News Topic	Generation X (18–29)	Boomers (30–49)	50 + and Older
Local community, hometown	59	71	67
State, place of residence	53	63	57
U.S., country as a whole	47	55	64
Weather	45	51	59
Health or fitness	34	33	37
Sports	29	22	23
Other countries, the world	23	18	29
Consumer products	23	24	25
Entertainment, movies, TV, celebrities	23	12	9
Computers/technology	18	20	11
Religion	17	19	29
Politics and government	11	23	36
Business, stock market	6	14	17

Source: Adapted from News in the Next Century 1996, 49.

the minutiae of politics and government in the nation ranks near the bottom, with a mere 11 percent of the GenXers—compared to 23 percent of their parents and 36 percent of their grandparents—saying they are “very interested.”

Overall, the numbers in table 43.2 are encouraging for observers who are worried that young Americans are alienated from politics because they read and watch and listen less to the kind of political fare preferred by prior generations. If we use the grandparent generation represented in table 43.2 as a point of departure, rather than the parents of GenXers who were stirred by the turbulent sixties, the intergenerational drop in interest for local, state, and international news is below 10 percent. The sharpest drops—as high as 25 percent—come in national news, especially Beltway gossip. That suggests that Beltway gossip should shrink in favor of the types of local news that audiences find relevant to their lives. If the news supply becomes genuinely attuned to the changing needs and desires of news audiences and if the quality of the stories improves, it is quite likely that the numbers of viewers of political news will rise again.

In an age where the accuracy of audience research has reached new heights, journalists should have no trouble ascertaining continuously what types of stories will attract their viewers. Research tools to assess audience needs and capabilities include depth interviews, skillfully run focus groups, and various psychological and psycho-physiological tests, such as heart rate and galvanic skin response measures and checks of eye and other facial movements. Psychographic models, which were developed to segment audiences for marketing or analysis purposes, have pioneered many analytical techniques for scientific segmentation. These techniques use responses to a battery of questions in order to identify people with similar interests (Wells 1974; Myers 1996). The seminal work... that has shed light on the real nature of information-processing is also a major resource for producing audience-friendly program designs. The journalism community, schooled in social-scientific procedures through “precision journalism” training, is already familiar with many of these tools.

While progress in judging the audience’s preferences has been great in some areas, it has

lagged in others. For instance, few audience analyses appraise the knowledge base that particular audiences bring to political information. If this were done more frequently, journalists would be less likely to overestimate what audiences know and might recall to round out the sketchy information presented in news stories. Reporters would then be more likely to provide adequate contexts for news stories. When reporters write serious stories, they all too often tailor them to suit their own tastes, forgetting that their audiences' information backgrounds are generally far more limited. Stories about the need for reforming the welfare system, for example, convey little meaning when viewers are unfamiliar with the nature of the critical problems in the existing system.

NICHE PROGRAMMING: ADVANTAGES AND DISADVANTAGES

New digital technologies make it ever easier to satisfy the Internet generation's demand for news offerings that meet the special interests of various audience sectors. As has been true for radio, where the audience realms of giant stations splintered into tiny, specialized fiefdoms, so the audience realms of giant television networks are splintering into increasingly smaller configurations. While older viewers, especially women, have remained among the most loyal network television fans, younger viewers across the demographic spectrum are moving elsewhere (Pew 2000b). Television journalists therefore are less concerned about developing programs that please large, heterogeneous audiences, which previously forced them to offer much television fare pegged to the lowest common denominator. The trend toward narrowcasting began with the emergence of cable television. It has progressed to the digital technology stage, which allows a single television channel to carry multiple programs simultaneously.

The Internet has further extended the possibilities for niche programming. It allows people to select, at times and places of their choosing, from a seemingly endless array of multiple types of political information available worldwide. Even when Internet messages are substantively or technically flawed, they nonetheless diversify the

political information pool—and the opportunities for glimpsing diverse views—far beyond past boundaries. Jürgen Habermas's (1989) funeral oration for the public sphere may have been premature after all. While economic constraints and lack of technical skills will prevent the vast majority of the world's people from using the Internet for the foreseeable future, these constraints are shrinking in technologically developed countries, where the first generation raised in the computer age is taking the helm (Pew 1998c, 2000b).

Television diversification has followed two distinct paths. The established television networks have chosen to address their offerings to selected demographic groups splintered along cleavages of age, gender, and ethnicity. For example, CBS has targeted older Americans, while Fox has aimed for a younger crowd. Some networks direct programming toward African Americans, and others target Spanish-speaking Latinos. Cable channels, by contrast, have ignored explicit demographics and have concentrated instead on interest fields, such as science, history, cooking, or mechanics.

Threats to Democracy

Narrowcasting does raise concerns about the viability of American democracy. If citizens do not drink from the same well of information, will they splinter into communication ghettos? Will interactions diminish sharply among people whose backgrounds and matching preferences vary? Evidence of increasing fragmentation along various interest, lifestyle, age, income, religion, and ethnicity cleavage lines is mounting. A 1998 survey of audiences for entertainment shows, for example, showed that African Americans were flocking to newly available shows featuring African-American actors, while Caucasian Americans watched shows oriented toward white audiences. Fifty-one percent of African Americans followed crime news very closely in 2000 compared to 27 percent of whites and 32 percent of Hispanics. Figures for health news are 45 percent, 27 percent, and 29 percent, respectively (Pew 2000b). In the 1970s and 1980s, when fewer narrowly targeted choices were available, audience self-segregation along demographic lines was much less common (Sterngold 1998). As channel

capacity grows, niche programming tends to progress into niche-within-niche offerings that make the splinter audiences ever tinier. They may be more satisfied by these specialized programs but also more disconnected from others in their community whose interests differ.

Niche programming may also be socially dangerous because it supports the Internet generation's penchant to limit their information diet to their special interest topics, creating a nation of people who know more and more about less and less. It may also mean that much of the public largely ignores entire areas of politics to which they gave at least passive attention in the past. Large numbers of people may be tempted to ignore civic information entirely if specialized news channels offer alternative program choices in competition with broadcasts of civic events, which most of the audience finds boring. Audience tallies show that this does happen (Pew 2000b). Attention to major political broadcasts, such as presidential addresses, declined sharply when other programs became available simultaneously.

Overall, the trends evident at the start of the twenty-first century do not bear out the nightmarish vision of large numbers of people isolating themselves from public affairs. The vast majority of citizens, including the Internet generation, have continued to attend to more general information sources, even when they devote substantial time to narrow-cast fare (Pew 2000b). Moreover, many of the news choice options on different programs are like peas in a pod, often low-intellectual-calorie peas at that. Such programs do restore some commonality to the political information supply, but they waste the chance for diversifying it.

Whenever major national events have loomed, such as key decisions in the impeachment case against President Clinton, viewing levels for general news programs have risen sharply. For example, on 19 December 1998, when the House of Representatives voted to impeach the president, CNN news scored its highest single-day rating of the year. Other broadcast outlets reported similar audience peaks, although these were below the levels of attention lavished a few years earlier on the verdict in football legend O.J. Simpson's murder trial or the events connected to the accidental

death of the widely cherished Diana, Princess of Wales. However, CBS, which covered a major football game (New York Jets versus Buffalo Bills), attracted more than 12 million viewers on the day of the Clinton impeachment vote, surpassing the audience levels of all political news programs combined.

The Shrinking Scope of News

If news production is audience driven, will news offerings supply the political information that the public needs? For example, lack of interest among viewers has been cited as a major reason for the sharp reduction in the number of stories dealing with events outside the United States following the end of the cold war. ...[F]ocus group data...suggest that citizens will continue to demand political information about the broad range of issues that they deem salient to their lives. But citizens' interests do not necessarily encompass all the issues that elites deem important for average citizens. This portends a shrinking of the scope of news for individual citizens, though less severely than some observers fear, depending on the skill of journalists in clarifying the relevancy of seemingly remote issues.

The idea of allowing consumers of political news to guide the choice of information presented to them for immediate attention has been partially implemented already by print, television, and radio outlets in the United States that follow the tenets of "public" (or "civic") journalism. The staffs of papers like the *Charlotte Observer* in North Carolina and the *Wichita Eagle* in Kansas try to ascertain the interests of their readers through devices such as polls, focus groups, or town meetings. They then prepare stories that cover these concerns in exceptional depth. For instance, television programs can show how other communities have dealt with particular problems and provide guidelines for making fact-based comparisons between the local and the remote situations. Advocates of this type of journalism believe that it restores the role of the media as the mobilizer of civic action and the voice of public opinion. Journalists respect the public's choices, rather than derogating them. Opponents, who are plentiful and include prominent mainline

journalists, argue that public journalism abandons the press's hallowed leadership role in setting the civic agenda, that it shamelessly panders to shallow public tastes, and that it leads to neglectful and dangerous silence about many important issues (Schudson 1998).

Leaving aside the question whether journalists know better than ordinary citizens what information belongs on the civic agenda, we do need to ask the "to what avail" question. If journalists supply information that is unwanted and largely ignored, while covering areas of strong demand sparingly, what is accomplished? It amounts to preaching to an empty church. If people do not want much international news but crave local news, shouldn't the demands of the mass audience be heeded, especially when specialized media, tailored to the preferences of elites, are available? A public that is exposed to political information that is of little interest is unlikely to be motivated to political thinking and action. "[I]t is not an informed public ... with the motivation or frame of reference or capacity to act in a democracy" (Schudson 1995, 26–27).

Regardless of what journalists do, in the end it is the audience that determines whether or not the content will lead to civic enlightenment and political participation. Attempts to force-feed audiences with news they do not care about are apt to fail when the audiences have alternative program choices (Entman 1989). However, it is within the grasp of journalists, as well as the political leaders who are their sources, to whet the public's appetite for important news stories. If it can be made clear that the story is, indeed, important and relevant to the audience's concerns and if story presentation

is appealing, sizable audiences will be attracted. The presidency and other visible public offices have often served as the bully pulpit that can draw nationwide attention to important stories.

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Trainer’s notes

Presentation 1.3 Who are the actors in public policy?	
Learning Objectives	Participants appreciate the wide range of actors involved and can identify the policy officer’s role within the broader matrix of actors.
Timing	2 hours
Training method	Presentation and group discussion
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handout- A rough guide to the actors and their roles within the policy cycle 3. Additional information for the trainer- Institutional and non-institutional actors in the policy process (USA)

Slides 1 to 6 – Introduction

The objectives of this workshop are-

- To introduce the range of actors engaged in the public policy process
- To understand their various roles and potential influences and interests in public policy
- To understand the role a policy officer can play in managing stakeholders within the public policy framework life cycle

Different actors have different impacts on policy at different stages of the policy process/cycle

Different actors are interested in different aspects of a policy (eg technical, political, social, administrative, financial...) and a policy officer should recognize these interests and respond to these accordingly.

This workshop will be based largely on group discussion.

Slide 7 & 8 Exercise: What if we had a policy proposal to introduce community-based health centers?



Who are the actors?

TRAINER- Divide the workshop into groups of 4 people each and ask them to list the people or organisations with an interest or role in this policy proposal. This should take no more than 10 minutes.

After 10 minutes, get them to come back to the workshop and ask each group to share their lists and the trainer should note the names on the board.

Possible responses may include-

- the local communities
- sick people
- politicians
- the Ministry of Health
- the Minister of Health
- local governments
- doctors and other medical practitioners
- hospitals

Slide 9 & 10 – Categories of actors

This slide lists categories of actors in public policy.

Ask the participants to put the actors they identified in the community medical center exercise (above) into the categories on this slide.

It is likely that the participants overlooked some of these categories.....

These categories are the groups of people and organizations that are likely to have an interest in public policy. They also have different interests and play different roles in public policy-

Political actors are interested in public policy as the basis for their own 'party platforms' (ie commitments they make as politicians about what they propose to do if voted into government. Often public policy originates from political commitments, such as 'introducing a stronger health system, including easily accessible community-based health centers in every local government area'

The **Prime Minister and the Council of Ministers** are the principal decision-makers on policy within government. They establish and approve the government's policy agenda and play a key role in coordinating public policy and programs across Ministries into 'coordinated and coherent' policy and 'joined-up' government. As the leader of the government, the Prime Minister and his/her office play a central role.



Parliament makes laws to implement policy. Parliamentary Committees can play significant roles in reviewing and recommending draft laws. When committees conduct inquiries, their recommendations can also form the basis for policy. Parliamentarians are also likely to be very interested in public policies while they are being developed and implemented.

Regional and local governments make public policies for their activities within their own jurisdictions. They are also likely to be very interested in public policies developed and implemented at the national level, where the policy will impact on them- for example, the community health centers will be established within their jurisdictions. Sometimes these other levels of government will work closely with the national government to implement the national policy (for example, they may manage the community health centers). Because regional and local governments are relatively autonomous of the national government, they need to be well consulted on policy issues that will affect them. If there are major policy inconsistencies between the levels of government, this can cause conflict. Therefore inter-government coordination is important.

Ministries and their staff play central roles in developing and implementing public policy-

- policy officers, technical staff, project managers, as well as senior management and ministers, each playing different roles in all of the policy phases in the public policy cycle.
- other ministry staff will also be involved in a policy's implementation, depending on the type of policy. For example, the community health centers will need to be built, staffed, trained etc and many of these people will be employed by the ministries involved.

Policies often affect a number of ministries- for example, an agricultural policy is likely to overlap with the activities of the ministries responsible for water and environmental issues. At the very least, the Ministry of Finance needs to be included in decisions about policy that requires a budget. Inter-ministerial coordination is therefore important, and a 'lead' ministry is often appointed and the other ministries must work with them to find the best solution for Iraq. This is part of the 'coordination and coherence' function of government, where policies are 'joined up' to ensure that the government is fully effective. The 'joining up', as mentioned earlier, is usually achieved through inter-ministerial cooperation at ministry level as well as at Council of Ministers and PM office levels.

'External stakeholders' are people and organizations that are affected by a policy but which are not within the governance system and, depending on the actual policy, this can potentially be a very large and diverse group. Some of these stakeholders include NGOs, civil society organizations, industry associations and other interest groups. They may advocate for policy changes and they may hold useful data and other information that will assist the policy development and implementation phases. They may also be partners in the implementation of a policy. For example, NGOs may manage the centers as part of the implementation plan for the community based medical center policy and if this is the case, their agreement to cooperate will be essential.



External stakeholders also include international organizations, such as the United Nations organizations, which may influence a policy and provide technical and financial assistance to promote it. They also influence policy by preparing international standards. If Iraq accedes to an international Convention, for example, it is agreeing to apply these standards inside Iraq, which will shape a policy made on the same subject-matter.

External stakeholders can also be ‘think tanks’ and universities. These are technical research organizations that can provide useful data, advice etc to assist in public policy. A ‘think tank’ may, for example, be engaged to provide useful data or conduct an evaluation study on a policy.

External stakeholders also includes the media. The media can assist ministries and the government to disseminate information to the community. The media can also influence public opinion on a policy issue. Therefore a strong communication strategy is needed to make sure that the media is fully engaged.

Distribute HANDOUT- A rough guide to the actors and their roles within the public policy cycle.

Slide 11 – Policy cycle

Remember the policy cycle? The cycle has steps in it, which we looked at in the last workshop- the steps fit into the categories of 1. setting the agenda, 2. Formulating policy, 3. Implementing policy and 4. Reviewing policy.

The actors may sometimes play different roles within the steps in the policy cycle.

This handout gives more detailed overview of what roles the actors play. The actors are noted on the left hand column and the various steps in the public policy cycle are noted across the top.

This handout may not represent what is actually happening in Iraq at the moment. There will be a number of areas where the actors are not fully working within their roles. For example-

- the media is not yet fully developed enough to provide a strong voice in Iraq;
- NGOs and other civil society organisations are not fully active in many public policy issues;
- ministries do not always work closely enough to produce policy ‘coordination and coherence’.

But as time progresses, the Ministries and other actors will become more active and familiar with their roles in public policy, and their activities will look more like what is described in this handout.

This handout shows us some other things for a policy officer to appreciate-

1. The different levels of coordination between ministries that are interested in any policy issue. For example, look at p. 2 the roles of the PM and the Council of Ministers in setting agendas and coordinating with other policies at the higher political level. Also, look at the roles of PM,



Council of Ministers, ministers and ‘other ministers’ play in the policy steps for implementation and planning and implementation of the policy. Also, on p4, the ministers, senior government officials and lower level officers coordinate policies at the lower administrative level in agenda-setting, policy coordination, implementation etc;

2. The potentially strong political influence of Parliament and parliamentary committees. Because of their roles, it is important for a policy officer to understand the political agendas and activities of politicians. This is done by a process of political mapping, which we will deal with later in the course.
3. External stakeholders (including the media) can also have a powerful impact on public policy at all of the stages of the policy cycle. Where these actors have power and influence over the policy, they should be engaged in the policy cycle’s phases as their contributions can significantly improve the quality of a policy. Their engagement is also a central part of ‘good governance’ that we covered in the first workshop. How to engage external stakeholders will also be covered in later workshops, as well as how to develop a communication strategy.
4. The role of the policy officer is also important to note. This is on p4 and it highlights that the policy officer plays a very important role, within this large matrix of actors, in collecting and analyzing data and the opinions of stakeholders. Their job is to make recommendations that senior officers, the Minister, the Council of Ministers and the PM can rely on to make good decisions. A policy officer’s advice must be objective and strategic and must always be focused on good decision-making. You cannot be self-interested or give biased advice and be a good policy officer!

This handout will show you many more important activities and interests of the actors. You should refer to it often when working through this course, as well as when you are working as policy officers.

Slide 12 – Key messages

This slide summarizes the key messages for this workshop-

1. There are many actors in the public policy cycle.
2. These actors play very different roles and have very different interests in a policy.
3. Each of these actors can also impact on a policy.
4. Policy officers must understand and respond to these interests so they can do their work properly.
5. Policy officers must be professional and objective when they play their own role in the cycle.



Slide 13 & 14 – Workshop summary

- Questions or comments
- What's next: linking today's work to the next module/training
- Thank participants for their input

1.3 Handout

A rough guide to the actors and their roles within the policy life cycle

This guide shows the wide range of actors and their likely roles within the policy cycle. Policy officers do not operate in isolation, rather, their work links into a complex grid of politics, government institutions and stakeholders each plays different roles and has different impacts on the policy throughout the policy life cycle.

A policy officer should note:

- The role of the levels of government and the different interests officials have in policy. Ranging from technical (technical and implementation details), to managerial (strategic), to Ministerial (higher level strategic, coordination) to Cabinet (political, coordination).
- The potential power of stakeholders and political actors who 'influence' or 'observe and comment' - by doing this, they can significantly affect a policy's success.
- How political and stakeholder mapping tools help the policy officer, managers and executive to understand stakeholder impact and how planned stakeholder engagement can support positive engagement throughout the policy cycle.
- The opportunities for implementing 'good governance' through processes that facilitate active interactions with stakeholders. There are also opportunities to open up the implementation of political goals through measured, transparent and monitored government programs.
- The importance of policy coordination and coherence within the whole of government as well as between levels of government (regional and local). Policy is seldom within the domain of one Ministry, so coordination across the - technical, strategic, administrative and political aspects of policy is necessary to ensure optimum policy impacts

Please note- this is a guide only and may not necessarily represent the existing arrangements within your government or the wider community.

Seven key actor roles are identified below, the following pages provide detail to each role.



POLITICAL ACTORS										
CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementa tion planning	Implement policy, apply instruments	Monitor	Evaluate
Political Parties/ Blocs	Party platform forms basis for policy agenda	Influence through party platform	Influence through party platform	Provides feedback	Party platform coherence	Observe and comment	Observe and comment	Observe and comment	Observe and comment	Observe and comment

EXECUTIVE ACTORS										
CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementation planning	Implement policy, apply instruments	Monitor	Evaluate
Prime Minister	Leads Council of Ministers	May lead in important policy issues			PM office leadership coordination coherence	Leads Council of Ministers	May lead in important policy issues	Political and exec oversight of implem and approves draft laws	High level political and exec oversight	High level political and exec oversight
Cabinet/ Council of Ministers	Sets agenda	May give direction if policy is sufficiently high level political		Approves stakeholder engagement strategy and papers for high level policy	High level political coord and coherence	Decision	High level political and exec coord & coherence	Political and exec oversight of implem and approves draft laws	High level political and exec oversight	High level political and exec oversight
Minister (political role)	Influences Cabinet	May give direction if policy is sufficiently high level political		Proposes stakeholder engagement strategy & consultation papers to Cabinet		Recommend to Cabinet for decision	High level political and exec coord & coherence	Political and exec oversight and proposes draft laws to Cabinet	High level political and exec oversight	High level political and exec oversight
Other Ministers eg finance, planning	Influences Cabinet	Influence option selection	Influences to promote coordination			Recommend to Cabinet	High level political coord	High level political and exec oversight	High level political and exec oversight	High level political and exec oversight

LEGISLATIVE AND JUDICIAL ARMS OF GOVERNMENT

CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementa tion planning	Implement policy, apply instruments	Monitor	Evaluate
Parliament	Propose	Observe and comment		Observe and comment	Observe and comment	Observe and comment		Observe and comment, passes laws to implem policy	Observe and comment	Observe and comment
Part Committee (review, propose, inquire)	Recommend	Recommend	Recommend	Recommend	Recommend	Recommend	Recommend	Review/ propose draft laws	Observe and comment	Observe and comment
Judiciary								Interprets laws in decisions		

ADMINISTRATIVE ACTORS										
CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementa tion planning	Implement policy, apply instruments	Monitor	Evaluate
Minister (admin role)	Sets agenda for Ministry- level policies	If policy is sufficiently high level political	Oversight consideratio n of options and instruments	Sponsors stakeholder engagement	High level coord between ministries	Decides Ministry policies, recommen ds others to Cabinet	High level implem planning within and between ministries	Sponsors draft laws in Parliament, oversights implementa tion of other instruments	Exec oversight	Exec oversight
Senior Govt officials	Recommend	Manages option selection process	Recommend to Minister	Implements stakeholder engagement and reports on outcome	High level coord between ministries	Proposes	High level implem planning coord within and between ministries	Recommend draft laws and other policy instruments	Admin oversight	Admin oversight
Policy Officers	Research, consult and recommend	Research, consult and recommend	Research, consult and recommend	Implements, and reports on outcome	Functional coord between ministries	Proposes	Supports functional implem planning within and between ministries	Recommend draft laws, policy instruments	Strategic oversight, sometimes undertake reviews	Strategic oversight, sometimes undertake reviews
Professional and technical staff	Advises	Advises	Advises	Advises and assists stakeholder engagement	Technical coord	Advises	project planners prepare details	Implements policy instruments	Undertakes monitoring tasks	Undertakes evaluation tasks

OTHER JURISDICTIONS (relating to central govt policy)

CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementa tion planning	Implement policy, apply instruments	Monitor	Evaluate
Regional Govt	Propose	Influence	Influence	Provides feedback	Coordinatio n and coherence inter- govt policies	Advice	Inter-govt coord	According to policy	Observe and comment	Observe and comment
Local Govt	Propose	Influence	Influence	Provides feedback	Coordinatio n and coherence inter- govt policies	Advice	Inter-govt coord	According to policy	Observe and comment	Observe and comment

EXTERNAL STAKEHOLDERS										
CYCLE/ ACTORS	Policy agenda, objectives	Identify options	Analyse options and instruments	Consult on options and instruments	Coordinate with other policies	Policy decision	Implementa tion planning	Implement policy, apply instruments	Monitor	Evaluate
NGOs	Propose	Influence	Influence	Provides feedback	Coord, cooperation	Observe and comment	Influence, may participate	According to policy	Observe and comment, may participate	Observe and comment, may participate
Interest groups such as ind assns	Propose	Influence	Influence	Provides feedback	Coord, cooperate	Observe and comment	Influence, may participate	According to policy	Observe and comment, may participate	Observe and comment, may participate
Media	Influences opinion	Influences opinion		Observe and comment, may facilitate consultation	Influences opinion	Observe and comment	Observe and comment	Observe and comment	Observe and comment	Observe and comment
Think Tanks and technical experts	Propose	Propose	Propose, may undertake analysis for govt	May facilitate consultation , Provides feedback	Propose	Observe and comment	Recommend	According to policy	Observe and comment, may participate	Observe and comment, may participate
Internat orgs (eg UN)	Influence	Influence		Observe and recommend	Influence	Observe and recommend	Recommend	Recommend may support with resources	Observe and comment, may participate	Observe and comment, may participate

MEDIA

<u>CYCLE/ ACTORS</u>	<u>Policy agenda, objectives</u>	<u>Identify options</u>	<u>Analyse options and instruments</u>	<u>Consult on options and instruments</u>	<u>Coordinate with other policies</u>	<u>Policy decision</u>	<u>Implementa tion planning</u>	<u>Implement policy, apply instruments</u>	<u>Monitor</u>	<u>Evaluate</u>
Media	<u>Influences opinion</u>	<u>Influences opinion</u>		<u>Observe and comment, may facilitate consultation</u>	<u>Influences opinion</u>	<u>Observe and comment</u>	<u>Observe and comment</u>	<u>Observe and comment</u>	<u>Observe and comment</u>	<u>Observe and comment</u>



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Legal Frameworks and Public Policy

1.4 Introduction to Public Policy

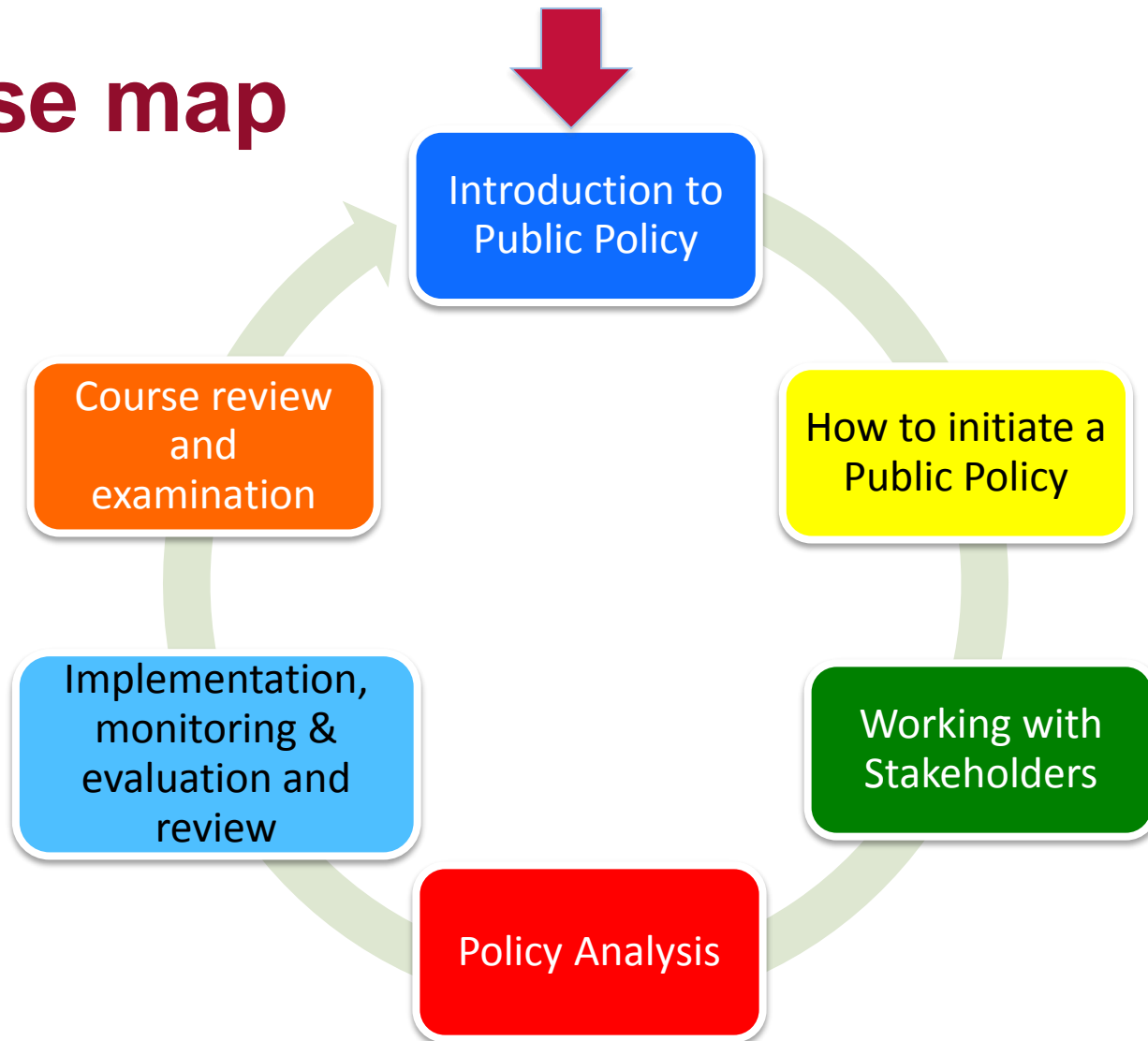


Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that what we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team



Course map



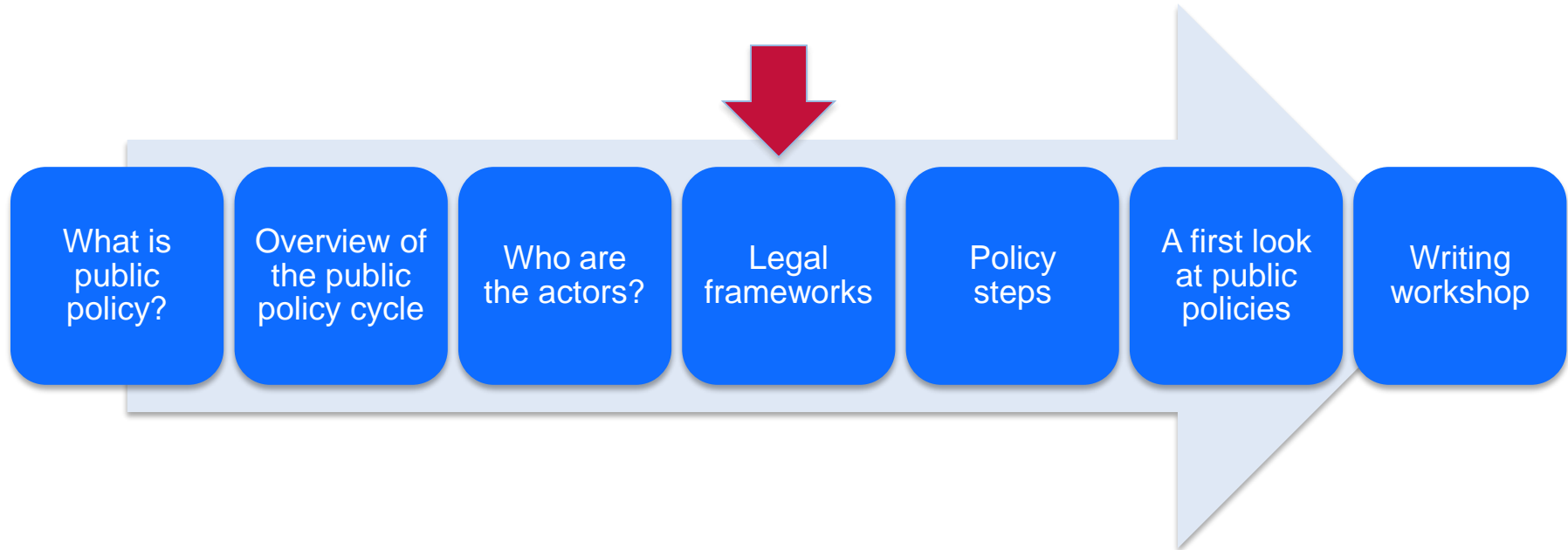


In the last workshop... the actors

- There are many actors in the public policy cycle, playing different roles e.g. political, executive, administrative, external stakeholders (beneficiaries), other governments, media
 - all have valid interests in the policy but the nature of their interests differ
 - all have a potential impact on the policy
- Policy officers must understand and respond to these interests appropriately so they can do their work properly and with clear objectivity



Part 1 -Introduction to public policy





Workshop objectives

- To identify and discuss the legal frameworks that must be taken into account when preparing public policy:
 - Constitutional
 - International treaties
 - Ministry mandates





Introduction

- The rule of law is a principle of good governance
- It requires the government to:
 - exercise its powers; and
 - undertake activities according to the law
- Public policy must therefore also be made within the legal framework





The Legal Framework

- The legal framework includes:
 - The Constitution of Iraq
 - The laws establishing and empowering ministries
 - International treaties signed by the government





The Constitution of Iraq

The Iraqi Constitution is the highest law in the country and **cannot** be contradicted

Article 13 states:

First: This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void.

- This means that a policy cannot promote any legislation that contradicts the Constitution



The Constitution - Jurisdictions

- The Constitution sets out the jurisdictional limits of the national, regional and local governments i.e.
 - who
 - what
 - how; and
 - where they are empowered to act
- These jurisdictional limits therefore define the limits of public policy





Exercise: Look at the Iraqi Constitution

1. Identify the national, regional and local Governments' powers
2. Identify how the geographic jurisdiction of KRG is defined
3. Identify the degree of autonomy that each level of government has from each other



The Constitution, separation of powers and public policy

- The Constitution sets out the powers and functions of the three arms of government - legislative, executive and judicial (Art 47)
- Each arm of government is separate and is empowered to check that the other arms are acting lawfully:
 - e.g. the Judiciary can interpret legislation passed by parliament and declare it void if it is ‘out of power’ (eg contradicts the Constitution)
 - e.g. Parliament debates and passes (or not) laws proposed by the government and in this way checks the Executive’s policy
- Public policy making is the responsibility of the Council of Ministers (led by the Prime Minister Art 78). The Council of Ministers plan and implement the policies and plans of the State (Art 80)



The Constitution and Public Policy

- Public policies must therefore:
 - be made within the powers set out in the Constitution, e.g. policies and legislation cannot contradict the rights and liberties set out in the Constitution
 - recognize the different jurisdictions of governments: Central, Regional and Local; and
 - recognize the need for strong coordination and cooperation between these different levels of government





Ministry Mandates

- Ministries operate under a mandate set out in legislation
 - e.g. Iraq's Ministry of Labour and Social Affairs Law 2006 Number 8
- The law sets out:
 - the tasks of the Ministry; and
 - its organization and structure - such as departments, boards, councils, their functions and membership





Ministry Mandates and Public Policy

- A Ministry and its policies cannot operate outside its mandate
 - e.g. MoLSA cannot make environmental policy on air pollution
- Where policies are implemented by multiple Ministries, the mandates of each Ministry will guide the way the policy is organised and implemented
- The institutions set out in the legislation should also be used in the policy processes
 - e.g. MoLSA's Board sets the overall goals of the Ministry's plan and should therefore be involved in policy decision-making



International Treaties

- International treaties, i.e. bilateral and multilateral agreements, and conventions, protocols are legal commitments made by the government
- **When a government signs a treaty (esp conventions) it:**
 - signifies its agreement with its terms; and
 - its intention to apply them inside Iraq (jane: & elsewhere??)
- The government is interested to align its policies, laws and systems with the terms of the treaty
- In Iraq, the Council of Ministers sign treaties (Art 80 Constitution)



International Treaties

- **When a government ratifies or accedes to a treaty it signifies:**
 - that the treaty is now being applied inside the country; and
 - that the treaty obligations become binding
- A government can ratify a treaty ‘with reservations’, which excludes or modifies the legal effect of portions of the treaty
- In Iraq, the President ratifies a treaty (Art 73 Constitution)





International Treaties and Public Policy

- Public policies must apply and be consistent with the treaty commitments that the government has made (ratified) or intends to implement (signed)
- A specific policy objective can be to apply or adopt a treaty
- Discussion:

What international treaties has Iraq signed or ratified which impact on the work of your Ministry?



Exercise and Discussion

Look at Iraq's Constitution, the Convention on the Rights of the Child and MoLSA's legislation and advise whether the following national policy proposals are within or outside the frameworks we have covered in this workshop:

1. A policy that says an uncle will have legal responsibility for a child, and not the child's parents (ref Convention Rights of the Child article 18)
2. A policy that makes the Ministry of Labour and Social Affairs responsible for the training system for brick-layers (ref MoLSA law)
3. A policy for legislation that requiring information about the numbers, locations and ages of children to be collected in Iraq, including from the Kurdistan Region (ref Constitution articles 110 and 121).

NB- Iraq has ratified the Convention on the Rights of the Child.



Key messages

- Know and understand the legal frameworks, especially:
 - the Constitution
 - your Ministry's laws; and
 - the treaties relating to the area of your policy work
- Each of these frameworks will have a significant impact on the policy you will prepare!





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Questions/Comments



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What's Next?



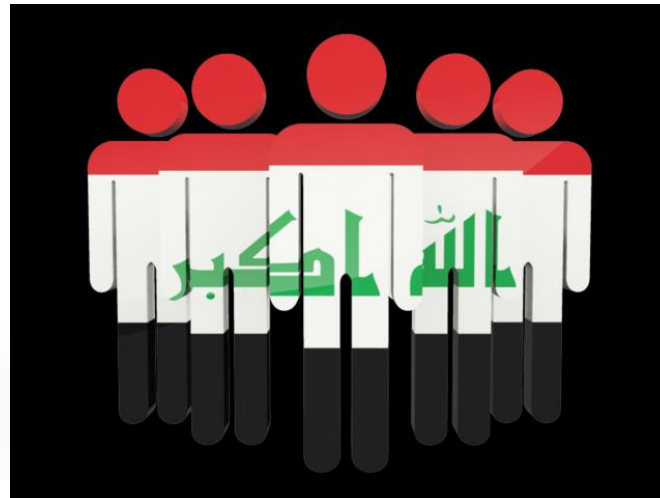
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Trainer's notes

Presentation 1.4 Legal Frameworks and Public Policy	
Learning Objective	Participants understand the legal frameworks that affect government's exercise of power and therefore the limits of public policy.
Timing	3 hours
Training method	Presentation and group discussion
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handouts- <ul style="list-style-type: none"> • Constitution of Iraq • MoLSA Law • Convention on the Rights of the Child 1989 3 Trainers notes

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Slides 1 – 6 Workshop introduction and workshop objectives

This workshop is about the legal limits to public policy. The government cannot make public policy about anything it feels like because there are limits to what government and ministries are allowed to do.

Slide 7 - Introduction

One of the principles of good governance is the rule of law. This means that everyone follows the law, including the government. For government to follow the rule of law, it must exercise its powers and undertake its activities according to what the law says.

Because public policy is about the intentions and actions of government, public policy makers should therefore pay close attention to what the laws allow. Going beyond the legal limits will get the government and your ministry into BIG political and legal trouble!

Slide 8 – The Legal Framework

The limits are set out in the legal frameworks of-

- The Constitution
- International treaties that Iraq has signed; and
- Ministry mandates, as set out in legislation.

Slide 9 – The Constitution of Iraq

HANDOUT- The Constitution of Iraq

The Iraqi Constitution is the highest law in Iraq. No other law can contradict it. If a law does contradict the Constitution, it is considered 'void'. That is, that law has no legal effect.

This is set out in Article 13.

You should therefore be very careful NOT to recommend legislation that contradicts the Constitution, including the rights and freedoms listed in it.

Slide 10 – The Constitution and jurisdictions

The Constitution also sets out the jurisdictions of the national, local and regional governments.

'Jurisdiction' is the power given to a government (or court) to take action within a defined geographic area or over certain people or issues.

Public policies should also pay attention to the jurisdictional limits of the government because they set the limits of what the government is allowed to do.

Slide 11 – Exercise: The Constitution and jurisdictions

Ask the participants to form groups of 4 people and find the jurisdictional limits of-

1. the Kurdistan Regional Government

ANSWER- Article 120- the regional government's legislative powers can take precedence over national government's legislative powers-

- a. IF the regional government amends the national legislation for the region
- b. AND IF the subject-matter does not relate to the Federal government's exclusive).

Also identify the geographic region of KRG- how is it defined in the Constitution?

ANSWER- Article 119- the boundaries are defined by the boundaries of the governorates that vote to join together into a region

2. the Governorates

ANSWER- Article 122 gives the governorates broad administrative and financial independence and is not under the authority of any ministry or other institution. The federal government and governorates may, however, delegate their powers to each other.

3. the Federal Government

ANSWER – Article 110 sets out the exclusive powers of the Federal Government. Articles 111 to 114 identify areas where the 3 levels governments exercise ‘shared powers’, that is, they must work together to find a mutually agreed solution. Article 115 states that the regional and local government laws can prevail over Federal Government laws if they are unable to agree on how their shared powers can be exercised.

In reality, the federal government has limited powers and it must work closely with the other levels of government to create national uniformity.

THE REGIONAL AND LOCAL GOVERNMENT LEVELS ARE THEREFORE STRONGLY AUTONOMOUS!

IF THE FEDERAL GOVERNMENT WISHES TO MAKE A PUBLIC POLICY THAT APPLIES ACROSS THE COUNTRY (OUTSIDE ITS ARTICLE 110 EXCLUSIVE POWERS), IT MUST WORK ON ACHIEVING INTER-GOVERNMENTAL COORDINATION AND WITH REGIONAL AND LOCAL GOVERNMENTS.

Slide 12 – The Constitution and the separation of powers

The Constitution sets out the ‘separation of powers’. This is where the government is divided into 3 (article 47)-

1. the legislative power is the Council of Representatives and the Federation Council (Art 48)
2. the executive power is the President and the Council of Ministers (Art 66)
3. the judiciary is the Higher Judicial Council, the Federal Supreme Court, the federal Court of Cassation, the public Prosecution Department, the Judiciary Oversight Commission, and the other federal courts that are regulated by law (Art 89)

Each of these ‘arms of government’ exercise ‘checks and balances’ with each of the other arms to make sure that none of them step outside their powers.

For example-

- the Judiciary can interpret legislation passed by parliament and declare it void if it is 'out of power' (eg contradicts the Constitution).
- eg Parliament debates and passes (or not) laws proposed by the government and in this way checks the Executive's policy.

The power in the Constitution to make and implement public policy lies with the Council of Ministers (led by the Prime Minister Art 78). The Council of Ministers plan and implement the policies and plans of the State (Art 80).

Slide 13 – The Constitution and public policy

This slide summarises the conclusions of our discussion on the Constitution and public policy...

Public policies must therefore-

- be made within the powers set out in the Constitution. For example, policies and legislation cannot contradict the rights and liberties set out in the Constitution,
- recognize the different jurisdictions of governments- Central, Regional and Local and the need for strong coordination and cooperation between these levels of government.

The next legal framework we need to look at are the Ministry's legislated mandates.

Slide 14 - Ministry Mandates

Legislated ministry mandates are like Constitutions for a ministry. They are a ministry's powers as set out in legislation. In other countries, these are often found in 'executive orders' rather than in legislation.

The legislation that creates a ministry typically sets out the ministry's internal organisation and the areas in which it may act.

HANDOUT Iraq's Ministry of Labour and Social Affairs Law 2006 Number 8

This law is an example of the laws mandating the Ministries of the federal government.

Slide 15 - Ministry mandates and public policy

A ministry cannot operate outside its mandate.

Therefore the ministry should not make policies that extend outside the ministry's mandate.

For example, MoLSA cannot make environmental policy on air pollution.

Where policies are made and implemented by more than one ministry, you need to check the mandates of each ministry to make sure that the activities set out in the policies are right for each ministry.

The boards, committees etc set out in the legislation that created the ministry should also be used where possible by a ministry. For example, MoLSA's Board sets the overall goals of the Ministry's plan. This Board should therefore be used in the policy decision-making processes.

Slides 16 & 17 – International treaties

So far, this workshop has looked at how the laws of Iraq creates frameworks that limit the ability of government, arms of government, ministries etc to act. If these institutions act within the frameworks, they are applying the rule of law. So these laws show how far the institutions can go.

Another type of legal framework comes from international treaties that are signed by the federal government under its exclusive powers set out in Article 110. These treaties can also set limits about the content of public policies.

International treaties are legal commitments made by the federal government. They include-

- bilateral agreements between two countries (eg about sharing water from a common river).
- Multilateral agreements (eg the agreement between arab nations to form the League of Arab States)
- international conventions and protocols made by the United Nations and other international organisations (eg the Convention on the Rights of the Child 1989, which Iraq has acceded to).

DISTRIBUTE HANDOUT Convention on the Rights of the Child

These are legal commitments that the government is legally bound to implement.

There is a difference between signing and ratifying to an international convention.

SIGNING one of these treaties signifies that the government accepts the terms of the agreement and agrees to implement these terms within the country. This gives the government time to bring its

policies, laws and systems into line with the treaty. In Iraq, the Council of Ministers sign treaties (Article 80).

When a government RATIFIES a treaty, it is signifying that the country has incorporated the terms of the treaty into its policy, laws and systems. On ratification, the treaty becomes binding to the country in international law. In Iraq, the President ratifies a treaty (Article 73).

Slide 18 – International treaties and public policy

Whether signed or ratified, the terms of the treaty are matters that must be taken into account in public policy. **That is, a policy should not contradict the terms of a treaty that the government has signed and will need to actively include the terms of the treaty into the policy.**

A public policy can implement the terms of a signed treaty in preparation for ratification, such as introducing child protection laws to implement the Convention on the Rights of the Child. Here, a policy will identify the best way to implement the convention in Iraq.

A public policy can also have a specific objective to adopt a treaty. For example, the Minister responsible for ports might aim to adopt the international maritime conventions in order to elevate Iraq's ports to international standards and therefore encourage more international shipping etc.

Ask the participants to name the international treaties that impact on their ministries...

Slide 19 - Exercise and discussion

Divide the participants into groups of 4. Instruct the groups to look at the handouts provided in this workshop- the CRC, The Constitution and MoLSA's law- and advise whether the following national public policy proposals are within or outside the frameworks we have covered in this workshop. Give the groups 15 minutes to work out their answers and come back to present their findings...

1. A policy that says every uncle must be made responsible for their nieces and nephews and not the child's parents (ref Convention Rights of the Child article 18)

ANSWER- out of power! The CRC says parents should have this responsibility. This proposed public policy would break Iraq's international obligations under the CRC.

2. A policy that makes the Ministry of Labour and Social Affairs responsible for the training system for brick-layers (ref MoLSA law)

ANSWER- Chapter 2, Article 3, para 6 gives the Ministry this power



3. A policy for legislation requiring the production of information about the numbers, locations and ages of children to be collected in Iraq, including from the Kurdistan Region (ref Constitution articles 110 and 121).

ANSWER- In many policy matters, this would only be possible if KRG agrees to accept this legislation as well. But Article 110 (9) gives exclusive powers of the federal government to gather data on population and census so the KRG does not have the legal power to modify the policy in its own jurisdiction.

Slide 20 -Key messages

These are the key messages. They are simple but very very important!

Know and understand the legal frameworks, especially the Constitution, your Ministry's laws and the treaties relating to the area of your policy work,

Each of these frameworks will have a significant impact on the policy you will prepare!

Slides 20 & 21 – Workshop summary

- Questions or comments
- What's next: linking today's work to the next module/training
- Reminder of any post workshop tasks
- Thank participants for their input



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Convention on the Rights of the Child

**Adopted and opened for signature, ratification and accession by General Assembly
resolution 44/25 of 20 November 1989**

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their

own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy

throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute

a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any

amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

IRAQI
CONSTITUTION

The Preamble

In the name of God, the Most merciful, the Most compassionate

{ We have honored the sons of Adam }

We, the people of Mesopotamia, the homeland of the apostles and prophets, resting place of the virtuous imams, cradle of civilization, crafters of writing, and home of numeration. Upon our land the first law made by man was passed, and the oldest pact of just governance was inscribed, and upon our soil the saints and companions of the Prophet prayed, philosophers and scientists theorized, and writers and poets excelled;

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great authorities and of our leaders and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the thirtieth of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all other components of the people, and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region, as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination, and exclusion.

Accusations of being infidels, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, following the path of peaceful transfer of power, adopting the course of just distribution of resources, and providing equal opportunity for all.

We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.

We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution, through the values and ideals of the heavenly messages and the findings of science and man's civilization. The adherence to this Constitution preserves for Iraq its free union of people, of land, and of sovereignty.

Section One

Fundamental Principles

Article 1:

The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.

Article 2:

First: Islam is the official religion of the State and is a foundation source of legislation:

- A. No law may be enacted that contradicts the established provisions of Islam
- B. No law may be enacted that contradicts the principles of democracy.
- C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians.

Article 3:

Iraq is a country of multiple nationalities, religions, and sects. It is a founding and active member in the Arab League and is committed to its charter, and it is part of the Islamic world.

Article 4:

First: The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

Second: The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law and shall include:

- A. Publication of the Official Gazette, in the two languages;
- B. Speech, conversation, and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;

- C. Recognition and publication of official documents and correspondence in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.

Third: The federal and official institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkomen language and the Syriac language are two other official languages in the administrative units in which they constitute density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum.

Article 5:

The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions.

Article 6:

Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.

Article 7:

First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.

Article 8:

Iraq shall observe the principles of good neighborliness, adhere to the principle of non-interference in the internal affairs of other states, seek to settle disputes by peaceful means, establish relations on the basis of mutual interests and reciprocity, and respect its international obligations.

Article 9:

First:

- A- The Iraqi armed forces and security services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion. They shall be subject to the control of the civilian authority, shall defend Iraq, shall not be used as an instrument to oppress the Iraqi people, shall not interfere in the political affairs, and shall have no role in the transfer of authority.
- B- The formation of military militias outside the framework of the armed forces is prohibited.
- C- The Iraqi armed forces and their personnel, including military personnel working in the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by Ministry of Defense regulations. This ban includes the activities of the personnel mentioned above acting in their personal or professional capacities, but shall not infringe upon the right of these personnel to cast their vote in the elections.
- D- The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate in accordance with the law and pursuant to the recognized principles of human rights.
- E- The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: Military service shall be regulated by law.

Article 10:

The holy shrines and religious sites in Iraq are religious and civilizational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them.

Article 11:

Baghdad is the capital of the Republic of Iraq.

Article 12:

First: The flag, national anthem, and emblem of Iraq shall be regulated by law in a way that symbolizes the components of the Iraqi people.

Second: A law shall regulate honors, official holidays, religious and national occasions and the Hijri and Gregorian calendar.

Article 13:

First: This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void.

Section Two

Rights and Liberties

Chapter One

[Rights]

First: Civil and Political Rights

Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

Article 16:

Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken.

Article 17:

First: Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals.

Second: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.

Article 18:

First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Second: Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

Third:

A. An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law.

B. Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law.

Fourth: An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Sixth: Citizenship provisions shall be regulated by law. The competent courts shall consider the suits arising from those provisions.

Article 19:

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by law. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher punishment than the applicable punishment at the time of the offense may not be imposed.

Third: Litigation shall be a protected and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person shall have the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment shall be personal.

Ninth: Laws shall not have retroactive effect unless stipulated otherwise. This exclusion shall not include laws on taxes and fees.

Tenth: Criminal laws shall not have retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

- A. Unlawful detention shall be prohibited.
- B. Imprisonment or detention shall be prohibited in places not designed for these purposes, pursuant to prison laws covering health and social care, and subject to the authorities of the State.

Thirteenth: The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.

Article 20:

Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.

Article 21:

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.

Second: Economic, Social and Cultural Liberties

Article 22:

First: Work is a right for all Iraqis in a way that guarantees a dignified life for them.

Second: The law shall regulate the relationship between employees and employers on economic bases and while observing the rules of social justice.

Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law.

Article 23:

First: Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law.

Second: Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.

Third:

- A. Every Iraqi shall have the right to own property anywhere in Iraq. No others may possess immovable assets, except as exempted by law.
- B. Ownership of property for the purposes of demographic change is prohibited.

Article 24:

The State shall guarantee freedom of movement of Iraqi manpower, goods, and capital between regions and governorates, and this shall be regulated by law.

Article 25:

The State shall guarantee the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector.

Article 26:

The State shall guarantee the encouragement of investment in the various sectors, and this shall be regulated by law.

Article 27:

First: Public assets are sacrosanct, and their protection is the duty of each citizen.

Second: The provisions related to the preservation of State properties, their management, the conditions for their disposal, and the limits for these assets not to be relinquished shall all be regulated by law.

Article 28:

First: No taxes or fees shall be levied, amended, collected, or exempted, except by law.

Second: Low income earners shall be exempted from taxes in a way that guarantees the preservation of the minimum income required for living. This shall be regulated by law.

Article 29:

First:

- A. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values.
- B. The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and shall provide them with the appropriate conditions to develop their talents and abilities.

Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age.

Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection.

Fourth: All forms of violence and abuse in the family, school, and society shall be prohibited.

Article 30:

First: The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood, or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law.

Article 31:

First: Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions.

Second: Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law.

Article 32:

The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law.

Article 33:

First: Every individual has the right to live in safe environmental conditions.

Second: The State shall undertake the protection and preservation of the environment and its biological diversity.

Article 34:

First: Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees that it shall combat illiteracy.

Second: Free education in all its stages is a right for all Iraqis.

Third: The State shall encourage scientific research for peaceful purposes that serve humanity and shall support excellence, creativity, invention, and different aspects of ingenuity.

Fourth: Private and public education shall be guaranteed, and this shall be regulated by law.

Article 35:

The state shall promote cultural activities and institutions in a manner that befits the civilizational and cultural history of Iraq, and it shall seek to support indigenous Iraqi cultural orientations.

Article 36:

Practicing sports is a right of every Iraqi and the state shall encourage and care for such activities and shall provide for their requirements.

Chapter Two
[Liberties]

Article 37:

First:

- A. The liberty and dignity of man shall be protected.
- B. No person may be kept in custody or investigated except according to a judicial decision.
- C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall

not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Article 38:

The State shall guarantee in a way that does not violate public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

Article 39:

First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.

Second: It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.

Article 40:

The freedom of communication and correspondence, postal, telegraphic, electronic, and telephonic, shall be guaranteed and may not be monitored, wiretapped, or disclosed except for legal and security necessity and by a judicial decision.

Article 41:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.

Article 42:

Each individual shall have the freedom of thought, conscience, and belief.

Article 43:

First: The followers of all religions and sects are free in the:

- A- Practice of religious rites, including the Husseinian rituals.
- B- Management of religious endowments (waqf), their affairs, and their religious institutions, and this shall be regulated by law.

Second: The State shall guarantee freedom of worship and the protection of places of worship.

Article 44:

First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.

Article 45:

First: The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

Article 46:

Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

Section Three

Federal Powers

Article 47:

The federal powers shall consist of the legislative, executive, and judicial powers, and they shall exercise their competencies and tasks on the basis of the principle of separation of powers.

Chapter one

[The Legislative Power]

Article 48:

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

First: The Council of Representatives

Article 49:

First: The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people shall be upheld in it.

Second: A candidate to the Council of Representatives must be a fully qualified Iraqi.

Third: A law shall regulate the requirements for the candidate, the voter, and all that is related to the elections.

Fourth: The elections law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.

Fifth: The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal, or death.

Sixth: It is not permissible to combine membership in the Council of Representatives with any work or other official position.

Article 50:

Each member of the Council of Representatives shall take the following constitutional oath before the Council prior to assuming his duties:

“I swear by God Almighty to carry out my legal duties and responsibilities with devotion and integrity and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and ensure the safety of its land, sky, water, wealth, and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary, and pledge to implement legislation faithfully and neutrally. God is my witness.”

Article 51:

The Council of Representatives shall establish its bylaws to regulate its work.

Article 52:

First: The Council of Representatives shall decide, by a two-thirds majority, the authenticity of membership of its member within thirty days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

Article 53:

First: Sessions of the Council of Representatives shall be public unless, for reasons of necessity, the Council decides otherwise.

Second: Minutes of the sessions shall be published by means considered appropriate by the Council.

Article 54:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of the ratification of the general election results. Its eldest member shall chair the first session to elect the speaker of the Council and his two deputies. This period may not be extended by more than the aforementioned period.

Article 55:

The Council of Representatives shall elect in its first session its speaker, then his first deputy and second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

Article 56:

First: The electoral term of the Council of Representatives shall be four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second: The new Council of Representatives shall be elected forty-five days before the conclusion of the preceding electoral term.

Article 57:

The Council of Representatives shall have one annual term, with two legislative sessions, lasting eight months. The bylaws shall define the method to convene the sessions. The session in which the general budget is being presented shall not end until approval of the budget.

Article 58:

First: The President of the Republic, the Prime Minister, the Speaker of the Council of Representatives, or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the call for the session.

Second: The legislative session of the Council of Representatives may be extended for no more than 30 days to complete the tasks that require the extension, based on a request from the President of the Republic, the Prime Minister, the Speaker of the Council, or fifty members of the Council of Representatives.

Article 59:

First:

The Council of Representatives quorum shall be achieved by an absolute majority of its members.

Second:

Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is achieved, unless otherwise stipulated.

Article 60:

First:

Draft laws shall be presented by the President of the Republic and the Council of Ministers.

Second:

Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

Article 61:

The Council of Representatives shall be competent in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Electing the President of the Republic.

Fourth: Regulating the ratification process of international treaties and agreements by a law, to be enacted by a two-thirds majority of the members of the Council of Representatives.

Fifth: Approving the appointment of the following:

- A. The President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission by an absolute majority, based on a proposal from the Higher Juridical Council.
- B. Ambassadors and those with special grades, based on a proposal from the Council of Ministers.
- C. The Iraqi Army Chief of Staff, his assistants, those of the rank of division commander and above, and the director of the intelligence service, based on a proposal from the Council of Ministers.

Sixth:

- A. Questioning the President of the Republic, based on a petition with cause, by an absolute majority of the members of the Council of Representatives.
- B. Relieving the President of the Republic by an absolute majority of the Council of Representatives after being convicted by the Federal Supreme Court in one of the following cases:
 - 1- Perjury of the constitutional oath.
 - 2- Violating the Constitution.
 - 3- High treason.

Seventh:

- A. A member of the Council of Representatives may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer.
- B. At least twenty-five members of the Council of Representatives may raise a general issue for discussion in order to inquire about a policy and the performance of the Council of Ministers or one of the Ministries and it shall be submitted to the Speaker of the Council of Representatives, and

the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

- C. A member of the Council of Representatives, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them to account on the issues within their authority. The debate shall not be held on the inquiry except after at least seven days from the date of submission of the inquiry.

Eighth:

- A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he shall be considered resigned from the date of the decision of withdrawal of confidence. A vote of no confidence in a Minister may not be held except upon his request or on the basis of a request signed by fifty members after the Minister has appeared for questioning before the Council. The Council shall not issue its decision regarding the request except after at least seven days from the date of its submission.
- B.
 - 1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.
 - 2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth of its members. This request shall not be submitted except after an inquiry directed at the Prime Minister and after at least seven days from the date of submitting the request.
 - 3- The Council of Representatives may decide to withdraw confidence from the Prime Minister by an absolute majority of the number of its members.
- C. The Government is deemed resigned in case of withdrawal of confidence from the Prime Minister.
- D. In case of a vote of withdrawal of confidence in the Council of Ministers as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new Council of Ministers is formed in accordance with the provisions of Article 76 of this Constitution.
- E. The Council of Representatives may question independent commission heads in accordance with the same procedures related to the Ministers. The Council shall have the right to relieve them by absolute majority.

Ninth:

- A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.
- B. The state of emergency shall be declared for a period of thirty days, which can be extended after approval each time.
- C. The Prime Minister shall be delegated the necessary powers which enable him to manage the affairs of the country during the period of the declaration of war and the state of emergency. These powers shall be regulated by a law in a way that does not contradict the Constitution.
- D. The Prime Minister shall present to the Council of Representatives the measures taken and the results during the period of the declaration of war and the state of emergency within 15 days from the date of its end.

Article 62:

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Council of Ministers that they increase the total expenses, when necessary.

Article 63:

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies, and the members of the Council of Representatives.

Second:

- A. A member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.
- B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.
- C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of

Representatives to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

Article 64:

First: The Council of Representatives may be dissolved by an absolute majority of the number of its members, or upon the request of one-third of its members by the Prime Minister with the consent of the President of the Republic. The Council shall not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution. The Council of Ministers in this case is deemed resigned and continues to run everyday business.

Second: The Federation Council

Article 65:

A legislative council shall be established named the “Federation Council,” to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

Chapter Two

[The Executive Power]

Article 66:

The federal executive power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the Constitution and the law.

First: The President of the Republic

Article 67:

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He shall guarantee the commitment to the Constitution and the preservation of Iraq’s independence, sovereignty,

unity, and the safety of its territories, in accordance with the provisions of the Constitution.

Article 68:

A nominee to the Presidency of the Republic must be:

First: An Iraqi by birth, born to Iraqi parents.

Second: Fully qualified and must be over forty years of age.

Third: Of good reputation and political experience, known for his integrity, uprightness, fairness, and loyalty to the homeland.

Fourth: Free of any conviction of a crime involving moral turpitude.

Article 69:

First: The provisions for nomination to the office of the President of the Republic shall be regulated by law.

Second: The provisions for nomination to the office of one or more Vice Presidents of the Republic shall be regulated by law.

Article 70:

First: The Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members.

Second: If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared President.

Article 71:

The President shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

Article 72:

First: The President of the Republic's term in office shall be limited to four years. He may be re-elected for a second time only.

Second:

A- The President of the Republic's term in office shall end with the end of the term of the Council of Representatives.

B- The President of the Republic shall continue to exercise his duties until after the end of the election and the meeting of the new Council of Representatives, provided that a new President of the Republic is elected within thirty days from the date of its first convening.

C- In case the position of the President of the Republic becomes vacant for any reason, a new President shall be elected to complete the remaining period of the President's term.

Article 73:

The President of the Republic shall assume the following powers:

First: To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning a private claim and for those who have been convicted of committing international crimes, terrorism, or financial and administrative corruption.

Second: To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after fifteen days from the date of receipt by the President.

Third: To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after fifteen days from the date of receipt by the President.

Fourth: To call the elected Council of Representatives to convene during a period not to exceed fifteen days from the date of approval of the election results and in the other cases stipulated in the Constitution.

Fifth: To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

Sixth: To accredit ambassadors.

Seventh: To issue Presidential decrees.

Eighth: To ratify death sentences issued by the competent courts.

Ninth: To perform the duty of the High Command of the armed forces for ceremonial and honorary purposes.

Tenth: To exercise any other presidential powers stipulated in this Constitution.

Article 74:

A law shall fix the salary and the allowances of the President of the Republic.

Article 75:

First: The President of the Republic shall have the right to submit his resignation in writing to the Speaker of the Council of Representatives, and it shall be considered effective after seven days from the date of its submission to the Council of Representatives.

Second: The Vice President shall replace the President in case of his absence.

Third: The Vice President shall replace the President of the Republic in the event that the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed thirty days from the date of the vacancy.

Fourth: In case the post of the President of the Republic becomes vacant, the Speaker of the Council of Representatives shall replace the President of the Republic in case he does not have a Vice President, on the condition that a new President is elected during a period not to exceed thirty days from the date of the vacancy and in accordance with the provisions of this Constitution.

Second: Council of Ministers

Article 76:

First: The President of the Republic shall charge the nominee of the largest Council of Representatives bloc with the formation of the Council of Ministers within fifteen days from the date of the election of the President of the Republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Council of Ministers within a period not to exceed thirty days from the date of his designation.

Third: If the Prime Minister-designate fails to form the Council of Ministers during the period specified in clause "Second," the President of the Republic shall charge a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his members of the Council of Ministers and the ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall charge another nominee to form the Council of Ministers within fifteen days in case the Council of Ministers did not win the vote of confidence.

Article 77:

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he has a college degree or its equivalent and is over thirty-five years of age.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives, provided that he holds a college degree or its equivalent.

Article 78:

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces. He directs the Council of Ministers, presides over its meetings, and has the right to dismiss the Ministers, with the consent of the Council of Representatives.

Article 79:

The Prime Minister and members of the Council of Ministers shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

Article 80:

The Council of Ministers shall exercise the following powers:

First: To plan and execute the general policy and general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions, and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the development plans.

Fifth: To recommend to the Council of Representatives that it approve the appointment of undersecretaries, ambassadors, state senior officials, the Chief of Staff of the Armed Forces and his deputies, division commanders or higher, the Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties, or designate any person to do so.

Article 81:

First: The President of the Republic shall take up the office of the Prime Minister in the event the post becomes vacant for any reason whatsoever.

Second: If the event mentioned in “First” of this Article occurs, the President shall charge another nominee to form the Council of Ministers within a period not to exceed fifteen days in accordance with the provisions of Article 76 of this Constitution.

Article 82:

A law shall regulate the salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

Article 83:

The responsibility of the Prime Minister and the Ministers before the Council of Representatives is of a joint and personal nature.

Article 84:

First: A law shall regulate the work and define the duties and authorities of the security institutions and the National Intelligence Service, which shall operate in accordance with the principles of human rights and shall be subject to the oversight of the Council of Representatives.

Second: The National Intelligence Service shall be attached to the Council of Ministers.

Article 85:

The Council of Ministers shall establish internal bylaws to organize the work therein.

Article 86:

A law shall regulate the formation of ministries, their functions, and their specializations, and the authorities of the minister.

Chapter Three
[The Judicial Power]

Article 87:

The judicial power is independent. The courts, in their various types and levels, shall assume this power and issue decisions in accordance with the law.

Article 88:

Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice.

Article 89:

The federal judicial power is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law.

First: Higher Juridical Council

Article 90:

The Higher Juridical Council shall oversee the affairs of the judicial committees. The law shall specify the method of its establishment, its authorities, and the rules of its operation.

Article 91:

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the judiciary and supervise the federal judiciary.

Second: To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Chief Justice of the Judiciary Oversight Commission, and to present those nominations to the Council of Representatives to approve their appointment.

Third: To propose the draft of the annual budget of the federal judicial authority, and to present it to the Council of Representatives for approval.

Second: Federal Supreme Court

Article 92:

First: The Federal Supreme Court is an independent judicial body, financially and administratively.

Second: The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.

Article 93:

The Federal Supreme Court shall have jurisdiction over the following:

First: Overseeing the constitutionality of laws and regulations in effect.

Second: Interpreting the provisions of the Constitution.

Third: Settling matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of direct appeal to the Court to the Council of Ministers, those concerned individuals, and others.

Fourth: Settling disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.

Fifth: Settling disputes that arise between the governments of the regions and governments of the governorates.

Sixth: Settling accusations directed against the President, the Prime Minister and the Ministers, and this shall be regulated by law.

Seventh: Ratifying the final results of the general elections for membership in the Council of Representatives.

Eight:

- A. Settling competency disputes between the federal judiciary and the judicial institutions of the regions and governorates that are not organized in a region.
- B. Settling competency disputes between judicial institutions of the regions or governorates that are not organized in a region.

Article 94:

Decisions of the Federal Supreme Court are final and binding for all authorities.

Third: General Provisions

Article 95:

The establishment of special or extraordinary courts is prohibited.

Article 96:

The law shall regulate the establishment of courts, their types, levels, and jurisdiction, and the method of appointing and the terms of service of judges and public prosecutors, their discipline, and their retirement.

Article 97:

Judges may not be removed except in cases specified by law. Such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

Article 98:

A judge or public prosecutor is prohibited from the following:

First: Combining a judicial position with legislative and executive positions and any other employment.

Second: Joining any party or political organization or performing any political activity.

Article 99:

A law shall regulate the military judiciary and shall specify the jurisdiction of military courts, which are limited to crimes of a military nature committed by members of the armed forces and security forces, and within the limits established by law.

Article 100:

It is prohibited to stipulate in the law the immunity from appeal for any administrative action or decision.

Article 101:

A State Council may be established, specialized in functions of the administrative judiciary, issuing opinions, drafting, and representing the State and various public commissions before the courts except those exempted by law.

Chapter Four
[Independent Commissions]

Article 102:

The High Commission for Human Rights, the Independent Electoral Commission, and the Commission on Public Integrity are considered independent commissions subject to monitoring by the Council of Representatives, and their functions shall be regulated by law.

Article 103:

First: The Central Bank of Iraq, the Board of Supreme Audit, the Communication and Media Commission, and the Endowment Commissions are financially and administratively independent institutions, and the work of each of these institutions shall be regulated by law.

Second: The Central Bank of Iraq is responsible before the Council of Representatives. The Board of Supreme Audit and the Communication and Media Commission shall be attached to the Council of Representatives.

Third: The Endowment Commissions shall be attached to the Council of Ministers.

Article 104:

A commission named The Martyrs' Foundation shall be established and attached to the Council of Ministers, and its functions and competencies shall be regulated by law.

Article 105:

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region to ensure their fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences. The commission shall be comprised of representatives of the federal government and representatives of the regions and governorates that are not organized in a region, and shall be regulated by a law.

Article 106:

A public commission shall be established by a law to audit and appropriate federal revenues. The commission shall be comprised of experts from the federal government, the regions, the governorates, and its representatives, and shall assume the following responsibilities:

First: To verify the fair distribution of grants, aid, and international loans pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: To verify the ideal use and division of the federal financial resources.

Third: To guarantee transparency and justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

Article 107:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including appointments and promotions, and its formation and competencies shall be regulated by law.

Article 108:

Other independent commissions may be established by law, according to need and necessity.

Section Four

Powers of the Federal Government

Article 109:

The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system.

Article 110:

The federal government shall have exclusive authorities in the following matters:

First: Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating, signing, and ratifying debt policies and formulating foreign sovereign economic and trade policy.

Second: Formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq.

Third: Formulating fiscal and customs policy; issuing currency; regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State; formulating monetary policy; and establishing and administering a central bank.

Fourth: Regulating standards, weights, and measures.

Fifth: Regulating issues of citizenship, naturalization, residency, and the right to apply for political asylum.

Sixth: Regulating the policies of broadcast frequencies and mail.

Seventh: Drawing up the general and investment budget bill.

Eighth: Planning policies relating to water sources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions.

Ninth: General population statistics and census.

Article 111:

Oil and gas are owned by all the people of Iraq in all the regions and governorates.

Article 112:

First: The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields, provided that it distributes its revenues in a fair manner in proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards in a way that ensures balanced development in different areas of the country, and this shall be regulated by a law.

Second: The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.

Article 113:

Antiquities, archeological sites, cultural buildings, manuscripts, and coins shall be considered national treasures under the jurisdiction of the federal authorities, and shall be managed in cooperation with the regions and governorates, and this shall be regulated by law.

Article 114:

The following competencies shall be shared between the federal authorities and regional authorities:

First: To manage customs, in coordination with the governments of the regions and governorates that are not organized in a region, and this shall be regulated by a law.

Second: To regulate the main sources of electric energy and its distribution.

Third: To formulate environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness, in cooperation with the regions and governorates that are not organized in a region.

Fourth: To formulate development and general planning policies.

Fifth: To formulate public health policy, in cooperation with the regions and governorates that are not organized in a region.

Sixth: To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region.

Seventh: To formulate and regulate the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by a law.

Article 115:

All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

Section Five

Powers of the Regions

Chapter One **[Regions]**

Article 116:

The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations.

Article 117:

First: This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region.

Second: This Constitution shall affirm new regions established in accordance with its provisions.

Article 118:

The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority of the members present.

Article 119:

One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods:

First: A request by one-third of the council members of each governorate intending to form a region.

Second: A request by one-tenth of the voters in each of the governorates intending to form a region.

Article 120:

Each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.

Article 121:

First: The regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government.

Second: In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region.

Third: Regions and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, but having regard to their resources, needs, and the percentage of their population.

Fourth: Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs.

Fifth: The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region.

Chapter Two

[Governorates that are not incorporated in a region]

Article 122:

First: The governorates shall be made up of a number of districts, sub-districts, and villages.

Second: Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law.

Third: The governor, who is elected by the Governorate Council, is deemed the highest executive official in the governorate to practice his powers authorized by the Council.

Fourth: A law shall regulate the election of the Governorate Council, the governor, and their powers.

Fifth: The Governorate Council shall not be subject to the control or supervision of any ministry or any institution not linked to a ministry. The Governorate Council shall have independent finances.

Article 123:

Powers exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments, and this shall be regulated by law.

Chapter Three
[The Capital]

Article 124:

First: Baghdad in its municipal borders is the capital of the Republic of Iraq and shall constitute, in its administrative borders, the governorate of Baghdad.

Second: This shall be regulated by a law.

Third: The capital may not merge with a region.

Chapter Four
[The Local Administrations]

Article 125:

This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.

Section Six

Final and Transitional Provisions

Chapter One **[Final Provisions]**

Article 126:

First: The President of the Republic and the Council of the Ministers collectively, or one-fifth of the Council of Representatives members, may propose to amend the Constitution.

Second: The fundamental principles mentioned in Section One and the rights and liberties mentioned in Section Two of the Constitution may not be amended except after two successive electoral terms, with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

Third: Other articles not stipulated in clause “Second” of this Article may not be amended, except with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

Fourth: Articles of the Constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities, except by the approval of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum.

Fifth:

A- An amendment is considered ratified by the President of the Republic after the expiration of the period stipulated in clauses “Second” and “Third” of this Article, in case he does not ratify it.

B- An amendment shall enter into force on the date of its publication in the Official Gazette.

Article 127:

The President of the Republic, the Prime Minister, members of the Council of Ministers, the Speaker of the Council of Representatives, his two Deputies, members of the Council of Representatives, members of the Judicial Authority, and people of special grades may not use their influence to buy or rent any state properties, to rent or sell any of their assets

to the state, to sue the state for these assets, or to conclude a contract with the state under the pretense of being building contractors, suppliers, or concessionaires.

Article 128:

The laws and judicial judgments shall be issued in the name of the people.

Article 129:

Laws shall be published in the Official Gazette and shall take effect on the date of their publication, unless stipulated otherwise.

Article 130:

Existing laws shall remain in force, unless annulled or amended in accordance with the provisions of this Constitution.

Article 131:

Every referendum mentioned in this Constitution is deemed successful with the approval of the majority of the voters unless otherwise stipulated.

Chapter Two
[Transitional Provisions]

Article 132:

First: The State shall guarantee care for the families of the martyrs, political prisoners, and victims of the oppressive practices of the defunct dictatorial regime.

Second: The State shall guarantee compensation to the families of the martyrs and the injured as a result of terrorist acts.

Third: A law shall regulate matters mentioned in clauses “First” and “Second” of this Article.

Article 133:

The Council of Representatives shall adopt in its first session the bylaws of the Transitional National Assembly until it adopts its own bylaws.

Article 134:

The Iraqi High Tribunal shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve it by law after the completion of its work.

Article 135:

First: The High Commission for De-Ba'athification shall continue its functions as an independent commission, in coordination with the judicial authority and the executive institutions within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve this Commission by an absolute majority after the completion of its function.

Third: A nominee to the positions of the President of the Republic, the Prime Minister, the members of the Council of Ministers, the Speaker, the members of the Council of Representatives, the President, members of the Federation Council, their counterparts in the regions, or members of the judicial commissions and other positions covered by de-Ba'athification statutes pursuant to the law may not be subject to the provisions of de-Ba'athification.

Fourth: The conditions stated in clause "Third" of this Article shall remain in force unless the Commission stated in item "First" of this Article is dissolved.

Fifth: Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it.

Sixth: The Council of Representatives shall form a parliamentary committee from among its members to monitor and review the executive procedures of the Higher Commission for De-Ba'athification and state institutions to guarantee justice, objectivity, and transparency and to examine their consistency with the laws. The committee's decisions shall be subject to the approval of the Council of Representatives.

Article 136:

First: The Property Claims Commission shall continue its functions as an independent commission in coordination with the judicial authority and the executive institutions in accordance with the law. The Property Claims Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve the Commission by a two-thirds majority vote of its members.

Article 137:

Application of the provisions of the articles related to the Federation Council, wherever it may be cited in this Constitution, shall be postponed until the Council of Representatives issues a decision by a two-thirds majority vote in its second electoral term that is held after this Constitution comes into force.

Article 138:

First: The expression “the Presidency Council” shall replace the expression “the President of the Republic” wherever the latter is mentioned in this Constitution. The provisions related to the President of the Republic shall be reactivated one successive term after this Constitution comes into force.

Second:

- A. The Council of Representatives shall elect the President of the State and two Vice Presidents who shall form a Council called the “Presidency Council,” which shall be elected by one list and with a two-thirds majority.
- B. The provisions to remove the President of the Republic present in this Constitution shall apply to the President and members of the Presidency Council.
- C. The Council of Representatives may remove a member of the Presidency Council with a three-fourths majority of the number of its members for reasons of incompetence and dishonesty.
- D. In the event of a vacant seat in the Presidency Council, the Council of Representatives shall elect a replacement by a two-thirds majority vote of its members.

Third: Members of the Presidency Council shall be subject to the same conditions as a member of the Council of Representatives and must:

- A. Be over forty years of age.
- B. Enjoy good reputation, integrity and uprightness.
- C. Have quit the dissolved (Ba’ath) Party ten years prior to its fall, in case he was a member of it.
- D. Have not participated in suppressing the 1991 and Al-Anfal uprisings. He must not have committed a crime against the Iraqi people.

Fourth: The Presidency Council shall issue its decisions unanimously and any member may delegate to one of the two other members to take his place.

Fifth:

- A- Legislation and decisions enacted by the Council of Representatives shall be forwarded to the Presidency Council for their unanimous approval and for its issuance within ten days from the date of delivery to the Presidency Council, except the stipulations of Articles 118 and 119 that pertain to the formation of regions.

- B- In the event the Presidency Council does not approve, legislation and decisions shall be sent back to the Council of Representatives to reexamine the disputed issues and to vote on them by the majority of its members and then shall be sent for the second time to the Presidency Council for approval.

- C- In the event the Presidency Council does not approve the legislation and decisions for the second time within ten days of receipt, the legislation and decisions are sent back to the Council of Representatives, which has the right to adopt it by three-fifths majority of its members, which may not be challenged, and the legislation or decision shall be considered ratified.

Sixth: The Presidency Council shall exercise the powers of the President of the Republic stipulated in this Constitution.

Article 139:

The Prime Minister shall have two deputies in the first electoral term.

Article 140:

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

Article 141:

Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution.

Article 142:

First: The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals.

Second: The proposed amendments shall be presented to the Council of Representatives all at once for a vote upon them, and shall be deemed approved with the agreement of the absolute majority of the members of the Council.

Third: The articles amended by the Council of Representatives pursuant to item “Second” of this Article shall be presented to the people for voting on them in a referendum within a period not exceeding two months from the date of their approval by the Council of Representatives.

Fourth: The referendum on the amended Articles shall be successful if approved by the majority of the voters, and if not rejected by two-thirds of the voters in three or more governorates.

Fifth: Article 126 of the Constitution (concerning amending the Constitution) shall be suspended, and shall return into force after the amendments stipulated in this Article have been decided upon.

Article 143:

The Transitional Administrative Law and its Annex shall be annulled on the seating of the new government, except for the stipulations of Article 53(A) and Article 58 of the Transitional Administrative Law.

Article 144:

This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette, and the seating of the government that is formed pursuant to this Constitution.

Translate

From: Arabic / Detect language ▾

To: English ▾

بأسم الشعب
مجلس الرئاسة
بناءً على ما قرره مجلس النواب طبقاً للحكام الفقرة أو آل من
المادة الحادية والستين من الدستور. ونظراً لنتهاء المدة
القانونية المنصوص عليه في الفقرة
(خامساً/م) من المدة مائة وثمانين سنة وثلاثين من
الدستور.

رقم (٨) لسنة ٢٠٠٦ قانون
وزارة العمل والشؤون الاجتماعية رقم (٨) لسنة ٢٠٠٦
الفصل الأول التعاريف
المادة (١)
صدر القانون الآتي:

يقصد بالتعاريف النية المعاني المبينة أزائها: أوال: الوزارة
: وزارة العمل والشؤون الاجتماعية. ثانياً: الوزير : وزير
العمل والشؤون الاجتماعية. ثالثاً: وأيل الوزارة : وأيل
وزارة العمل والشؤون الاجتماعية. رابعاً: المجلس: مجلس
العمل والشؤون الاجتماعية في وزارة العمل والشؤون
الاجتماعية.

الفصل الثاني التأسيس

المادة (٢)
تؤسس وزارة تسمى (وزارة العمل والشؤون الاجتماعية)
ويمثلها وزير العمل والشؤون الاجتماعية او من يخوله.
الفصل الثالث المهام
المادة (٣)

أوال : تجسيد القيمة الانسانية للعمل باعتباره رآئاً اساسيا في
عملية التنمية الاقتصادية والاجتماعية واعتباره
حقاً وواجباً وطنياً.

ثانياً : تحديد الحد الأدنى للأجور بما يوفر دخلاً مناسباً
للعيش الكريم.

ثالثاً : نشر وتعميق الممارسات الديمقراطية بين العمال
والإدارات وأصحاب العمل والتنظيم النقابي.

رابعاً : تأمين الضمان الاجتماعي لجميع العمال.

خامساً : تعميق الوعي الخاص بالسالمة المهنية في مجال
العمل بما يكفل حماية العامل من الأمراض المهنية وحوادث
واصابات العمل وضمان صيانة الآلة والمحافظة على
النتائج.

سادساً : نشر الوعي المهني بما يكفل تنمية الموارد البشرية
وتأهيلها حسب متطلبات سوق العمل. سابغاً : تنظيم منح
الرخص لممارسة أعمال الصيانة ورفع آفاءة العاملين فيها
وزيادة مهاراتهم. ثامناً : تأمين الرعاية الاجتماعية للأسرة
والأطفال والمعاقين من ذوي العمال. تاسعاً : توفير فرص
عمل متكافئة لكل قادر عليه.

يهدف هذا القانون الى ماياتي :

عاشراً:

القضاء على ظاهرة الفقر عن طريق تقديم المساعدة للفقراء غير القادرين
ر ينطى العملون تأهيل القادرين مهنياً واجتماعياً من خلال
دعمهم إقامة مشاريع إنتاجية صغيرة.

Behalf of the people

The Presidency Council

Us E on what passed the House of
Representatives in accordance with
paragraph or the rulers of the sixty-first
article of the Constitution. Given the
completion period the manna legal
thieves it A P Z poverty Rh)
undressed sa / A (m n pain the
water its birth and eight of thirty of the
Constitution.

No. (8) for the year 2006 Law

Ministry of Labour and Social Affairs (8) for
the year 2006

Chapter One definitions

Article (1)

Act follows:

Intended definitions Aaltah of the
meanings set forth towards them: Lawal:
Ministry: The Ministry of Labour and Social
Affairs. Second: Minister: Minister of
Labour and Social Affairs. Third: Weill
Ministry: Il Ministry of Labour and Social
Affairs. Fourth: Council: Council of Labour
and Social Affairs in the Ministry of Labour
and Social Affairs.

Chapter II incorporation

Article (2)

Establish a Ministry called) and the
Ministry of Labour and Social Affairs
(represented by the Minister of Labour and
Social Affairs or his nominee.

Chapter III tasks

Article (3)

Lawal: embodiment of the
HUMANITARIAN value of the work as a
key Rana in the process of economic and
social development and as a
Right and duty nationally.

Second: Determine the minimum wage so
as to provide appropriate income for
decent living.

Third: the spreading and deepening of
democratic practices between workers and
departments, employers and trade union
organization.

Fourth: social security insurance for all
workers.

الحادي عشر:

رعايته وتأهيل الأحداث المعوقين تربوياً ومهنيًا وسلوياً بما يضمن عدم
جهمة عملية التنمية وإزالة المؤثرات النفسية والاجتماعية التي
تحول دون ذلك.

(المادة ٤)

أوال: الوزير هو الرئيس الأعلى للوزارة والمسؤول عن
أعمالها وتوجيه سياساتها وتصدر عنه وتنفذ بإشرافه جميع
التعليمات والقرارات والأوامر في آل ماله عالقة بمهام
الوزارة وسائر شؤونها الفنية والمالية والإدارية ضمن أحكام
القانون.

ثانياً: للوزير أن يخول بعضاً من صالحياته إلى أي من وائلي
الوزارة أو إلى أي من المديرين العاميين فيها أو إلى أي من
موظفي الوزارة.

عن تنفيذ مهامه

(المادة ٥)

يكون للوزارة وائيلان احدهما للعمل والآخر للشؤون

الاجتماعية ويكون ال وائل مسؤولاً أمام الوزير سياسة
الوزارة وخطتها فيما يتعلق بالمشكلات التي يقرر الوزير
ارتباطها به، وله تخويل بعض من إلى أي من المديرين
العاميين أو إلى أي من موظفي الوزارة.

(المادة ٦)

يشكل للوزارة مجلس (العمل والشؤون الاجتماعية) ويتكون
مما يأتي: أوال : الوزير ثانياً: وائي آل الوزارة ثالثاً : ممثل
عن الأمانة العامة لمجلس الوزراء بدرجة مدير عام رابعاً:
ممثلون عن وزارة حقوق الإنسان والتربية والصحة والعدل
والداخلية والصناعة والمرأة خامساً: المدراء العامون في

الوزارة (عضواً) (عضواً) (عضواً)

(أعضاء)

سادساً: المدير العام للمركز الوطني للبحوث والدراسات
سابعاً: ممثل عن الاتحاد العام لنقابات العمال ثامناً : ممثل عن
اتحاد الصناعات العراقي تاسعاً: ممثل عن اتحاد الغرف
التجارية العراقية عاشراً: ثلاثة من ذوي الخبرة والختصاص
يختارهم الوزير من خارج الوزارة

(المادة ٧)

يحل وائل الوزارة الأقدم محل الوزير في رئاسة المجلس عند
غيابه.

(المادة ٨)

يجتمع المجلس مرة واحدة في الأقل آل شهر ويكتمل نصاب
الاجتماع بحضور ما ال يقل عن ثلثي أعضائه، وتتخذ
القرارات بأثرية عدد الأعضاء الحاضرين، وعند التساوي
يرجح الجانب الذي صوت معه الرئيس.

(المادة ٩)

يتولى المجلس ما يلي: أوال : تحديد الأهداف العامة لخطة

الوزارة. ثانياً : مناقشة الخطة الأولية للوزارة وإقرارها

ومتابعة تنفيذها. ثالثاً : مناقشة مشروع الموازنة السنوية

للوزارة ومالها وإقرارها. رابعاً: المصادقة على الحسابات
الختامية للوزارة من رأس مال الصندوق وتقاعد العمال.

خامساً : دراسة مشاريع قوانين و أنظمة الوزارة. سادساً:

مناقشة التقرير السنوي عن أعمال الوزارة وإبداء الملاحظات

والتوصيات في شأنه. سابعاً: دراسة آل ما يعرض عليه

Fifth: deepen your awareness of
occupational safety in the workplace to
ensure the protection factor of occupational
diseases and accidents and work-related
injuries and to ensure the maintenance of
the machine and maintain production.

Sixth: career awareness to ensure the
development of human resources and
qualified according to the requirements of
the labor market. Seventh: regulate the
granting of licenses for the exercise of
maintenance work and raise the efficiency
of its employees and increase their skills.

Eighth: social welfare insurance for the
family, children and the disabled with the
workers. Ninth: providing equal
employment opportunities for all who can
afford it.

This law aims to ماياتي:

Tenth: Capable of professionally and
socially through their support to establish
small productive projects.

Alhadaashr: And remove the psychological
and social effects that prevent it.

Article (4)

Lawal: Supreme minister is the president
of the ministry and responsible for its
actions and policies and guidance issued
by the implement بإشرافه all instructions and
decisions and orders in the money stuck
the functions of the ministry and other
technical and financial affairs and
management within the provisions of the
law.

Second: The Minister may authorize some
of صالحياته to any of the Eli ministry or to any
of the directors-general or to any of the staff
of the ministry.

On the implementation of duties

Article (5)

Have Ministry and وائل the one for work and
one for social affairs and be the agent
responsible minister in front of the
ministry's policy and its plan regarding
Balthkialt the that the minister decides they
relate to it, and has some of the
authorization to any of the directors-
general or to any of the staff of the ministry.

Article (6)

Is the Ministry Council) Labour and Social
Affairs (consists of the following: First:
Minister Second: wi th ministry III: A
representative of the General Secretariat of
the Council of Ministers rank of director
general IV: representatives from the

الوزير لبيان الراي فيه، وتقديم ما يراه في شأنه من مقترحات وتوصيات.

تتكون تشكيلات الوزارة مما يأتي: أوال: تشكيلات مراز الوزارة:

أ. مكتب الوزير. ب. مكتب المفتش العام. ج. الدائرة القانونية.

د. الدائرة الإدارية والمالية. هـ. دائرة التخطيط والمتابعة. و.

دائرة المشاريع والمتابعة. ز. المراز الوطني للبحوث والدراسات.

ثانياً: التشكيلات المرتبطة بالوزارة: أ. دائرة التقاعد

والضمان الاجتماعي للعمال. ب. دائرة الرعاية الاجتماعية.

ج. دائرة اصالح الأحداث. د. دائرة العمل والتدريب المهني.

هـ. المراز الوطني للصحة والسلامة البدنية.

المادة (١١)

يدير آل دائرة من الدوائر والمرازين النصوص عليها في

المادة (١٠) من هذا القانون موظف بعنوان مدير عام حاصل

على شهادة جامعة أولية في الأقل ومن ذوي الخبرة

والأخصاص وله خبرة ال تقل عن ثالث سنوات في عمل الدائرة.

المادة (١٢)

تحدد بتعليمات يصدرها الوزير تشكيلات ومهام الدوائر

والمرازين ومكتب الوزير المنصوص عليها في المادة (١٠)

من هذا القانون.

المادة (١٣)

أوال: يؤسس في دائرة التقاعد والضمان الاجتماعي للعمال

صندوق يسمى (صندوق ضمان وتقاعد العمال)

تتكون موجوداته من أموال وإيرادات الدائرة المتداورة في وزارة العمل والشؤون الاجتماعية.

ثانياً: تكون للصندوق شخصية معنوية ويمثله المدير العام

لدائرة التقاعد والضمان الاجتماعي للعمال أو من يخوله.

(رئيساً) (عضواً ومقررراً) (عضواً)

(عضواً) (عضواً) (عضواً) (عضواً)

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General IV: representatives from the Ministry of Human Rights, Education, Health, Justice, Interior, Industry and Women Fifth: General Managers in the ministry) a member of () a member of the ((Member) (Member) (Members)

Sixth: The Director-General of the National Centre for Research and Studies VII: a representative of the General Federation of Trade Unions VIII: a representative of the Iraqi Federation of Industries IX: a representative of the Federation of Iraqi Chambers of Commerce Tenth: three experienced and jurisdiction chosen by the minister from outside the ministry

Article (7)

Solves II ministry Akaddm the the shop Minister in the Presidency of the Council in his absence.

Article (8)

Article (9)

The Board shall include the following: First: set the overall goals of the ministry's plan. Second: the initial discussion of the plan to the ministry and approval and follow up their implementation. Third: the discussion of the draft annual budget of the Ministry of, Mallagha and approval. Fourth: the ratification of the final accounts of the ministry of the fund's capital and retired workers. Fifth: study the draft laws and regulations of the ministry. Sixth: the debate on the annual report on the work of the ministry and give observations and recommendations in this regard. Seventh: the study of what it displays the Minister for a statement in which Rai, offering what he sees on the matter of the proposals and recommendations.

Ministry formations consist of the following:

Lawal: Mraz formations ministry:

A. Minister's Office. b. Office of the Inspector General. C. Legal Department. D. Administrative and financial circle. E. Department of Planning and follow-up. And. Circle and follow-up projects. G. National Centre for Research and Studies. Second: formations associated with the ministry: . Department of retirement and social security for workers. B. Social Welfare Department. C. REPAIR circuit events. D. Department of Labor and Vocational Training.

E. National Center for Health and Safety facility.

Article (11)

Manages the Department departments and Alemrazen have texts in Article (10) of this law, an employee entitled General Manager holds a university degree in the least, and preliminary experienced Al_khasas and has the experience of not less than three years in the work of the department.

Article) 12 (

Determine the instructions issued by the Minister formations and functions departments, Alemrazen and the minister's office provided for in Article 10 of this Law.

Article (13)

Lawal: Based in the Department of retirement and social security for workers called the Fund) Guarantee Fund and retired workers (

Assets consist of cash and revenue department listed in the Ministry of Labour and Social Affairs.

Second: The Fund's moral character is represented by the Director General of the Department of retirement and social security for workers or his nominee.

) Chairman () member and rapporteur () member (

(Member) (Member) (Member) (Member) (Member)

(Two)

Article (14)

Lawal: manages the Fund's Board of Directors consists of the following:

A. The ministry II chosen by the minister.

Director General of the Department of retirement and social security for workers

C. Director General of the Department of retirement in the Ministry of Finance.

Director General of the Department of minors in care and the Ministry of Justice

E. Director General of the Department of Labor and Vocational Training. A

representative of the General Federation of Trade Unions g. A representative of the

Iraqi Federation of Industries h. A

representative of the Federation of Iraqi

Chambers of Commerce i. Two

experienced and jurisdiction chosen by the minister

Second: The Board of Directors of the Fund shall meet once in at least the month and quorum of the meeting in the presence

... of at least about two-thirds of its members, and decisions shall be taken by a majority of the members present, and when the casting equal, who voted with the President of the Council.

Third: subject to decisions of the Board of Directors of the Fund, except as stated in item (iv) of Article (15) of this law, the approval of the Minister.

Article (15)

The Fund's Board of Directors as follows:
 Lawal: identify aspects of investment funds and revenues of the Fund.

Second: the approval of the draft general budget of the Fund.

Third: Approved the conclusion of contracts and commitments of the Fund and in accordance with the law.

Fourth: deciding on objections on the decisions of the Director General of the Department of retirement and social security for workers in accordance with the provisions of the law of retirement and social security number (39) of 1971.

Fifth: the acceptance of gifts and donations from within Iraq as if it were from outside Vtsthsal the approval of the competent authorities to do so.

Article (16)

The Law of the Ministry of Labour and Social Affairs No. (29) for the year 1987 and the decision of the Revolutionary Command Council) dissolved (No.) 551 (for the year 1987 and Decrees Republicans المرقمين b) 201 (1987) and 1364 (for the year 1989 and the remaining regulations and instructions issued under the window in the conflict with the provisions of this law to pending replace or cancel.

Article (17)

Minister of Labour and Social Affairs to issue instructions to facilitate the implementation of the provisions of this law.

Article (18)

This law shall be from the date of its publication in the Official Gazette.

positive reasons

In order to establish a new structure of the Ministry of Uncle □'s and □ Affairs social □ of SPA □ Tgall energy □ s physical □ of the Alp □ Harih on □ Z best and re-formation of the ministry and the

organization of work including a j ؤمن
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Policy Steps

1.5 Introduction to Public Policy



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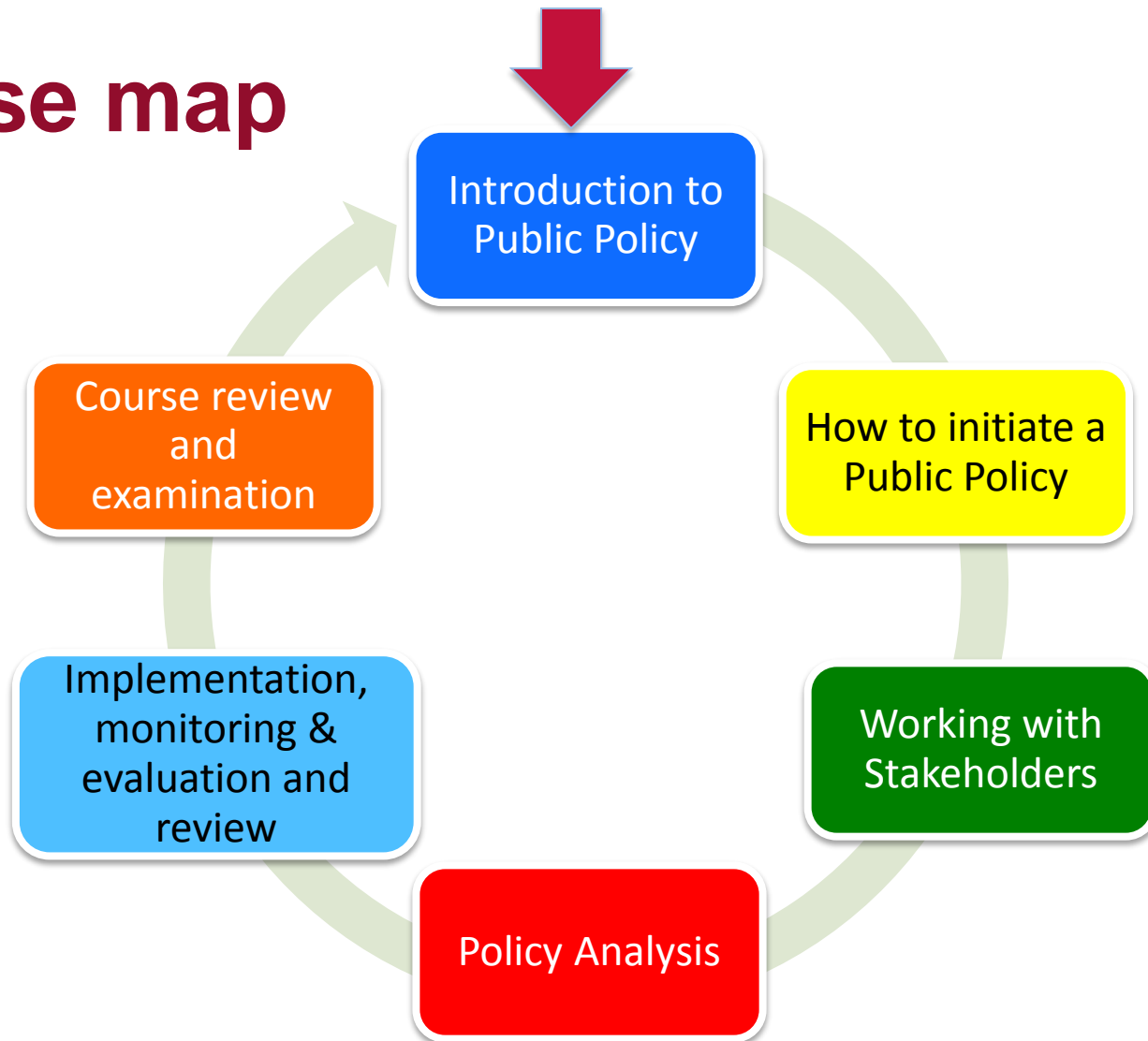
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Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that what we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team



Course map



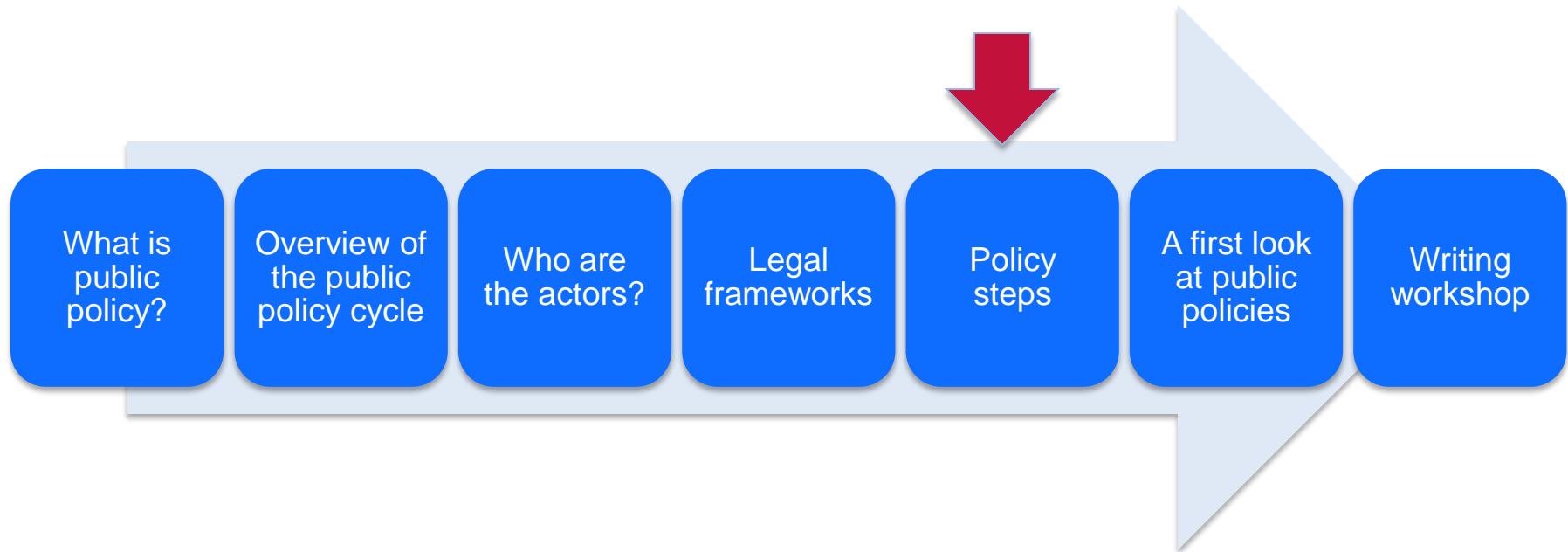


In the last workshop... legal frameworks

- Know and understand the legal frameworks, especially the Constitution, your Ministry's laws and the treaties relating to the area of your policy work,
- Each of these frameworks will have a significant impact on the policy you will prepare!



Part 1 -Introduction to public policy



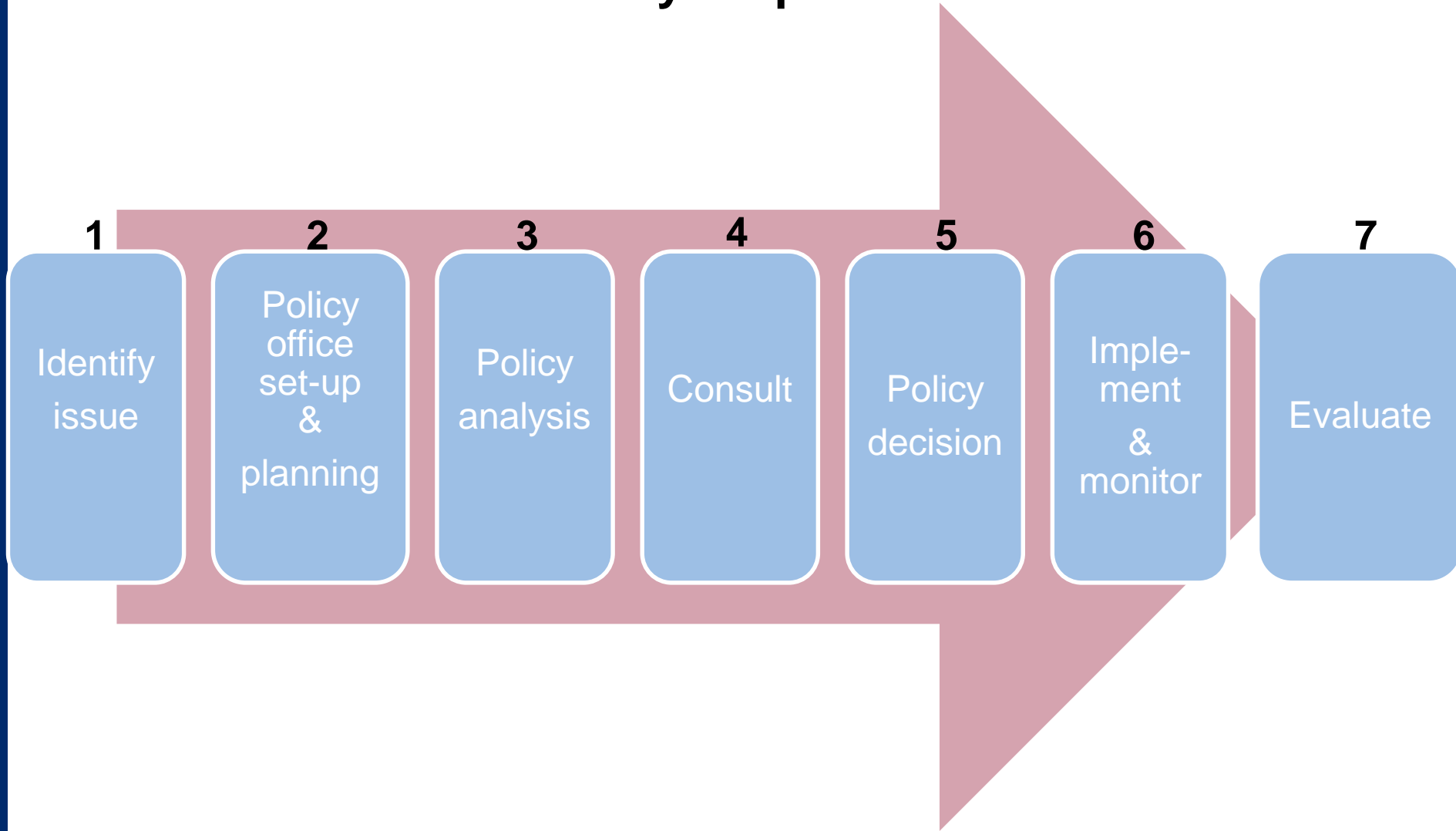


Workshop objectives

- To introduce the steps for developing, implementing and reviewing public policy
- To show the systematic sequence of activities that policy officers take within the policy processes
- To demonstrate:
 - how the steps relate to the policy cycle
 - the types of documents a policy officer needs to prepare
 - the roles of the other actors in the policy process; and
 - how the principles of good governance are put into practice through the use of evidence and stakeholder engagement



Seven Policy Steps





Overview of the 7 policy steps & their objectives

1.

- **Issue identification:** *to define the policy problem, its causes = define policy*

2.

- **Policy office planning and set-up:** *to set up the teams, stakeholder engagement system and procedures*

3.

- **Policy analysis:** *to conduct research into the best way to implement the policy goals and objectives*

4.

- **Stakeholder consultation:** *to seek feedback from stakeholders about what they think about the proposed policy*

5.

- **Policy decision:** *the best policy option is recommended to the Minister/Council of Ministers for decision*

6.

- **Implementation and monitoring:** *the policy is implemented according to a plan (may include legislation);*

7.

- **Evaluation:** *the effectiveness of the policy is assessed and a decision is made to amend it, continue with it etc. into the next policy cycle*



Evidence-based policy

- Evidence-based policy is about basing policy decisions on verifiable evidence
- Each policy step provides opportunities to gain particular evidence:
 - **Step 1:** *Research to identify the real issues for the policy to address*
 - **Step 3:** *Research to identify and evaluate the options for implementation*
 - **Step 3:** *Research to prepare a baseline study*
 - **Step 7:** *Evaluation data (links with Step 3 baseline research)*
 - **Steps 1 – 7:** *Data and information gained through stakeholder engagement*



Stakeholder engagement

Stakeholder engagement, across all stakeholders, occurs throughout the entire policy cycle steps.

Policy officers need to know:

When

- to identify stakeholder engagement requirements in the policy steps

How

- stakeholder engagement will be implemented & detailed in the engagement strategies for each policy

Note: Each policy is different = requires different timings and engagement strategies



The policy cycle – an ongoing & overlapping process

- The policy cycle has defined elements
- These elements overlap, e.g.:
 - Stakeholder consultation is continuous, starting at an early stage
 - Implementation, monitoring and evaluation and finances are designed and negotiated in the policy development stage
 - Internal stakeholder engagement and decisions made at the Council of Ministers level are ongoing to ensure policy coordination and cohesion
- Policy officers understand and work with the interrelationships of these policy elements and steps



The policy cycle is designed to show how:

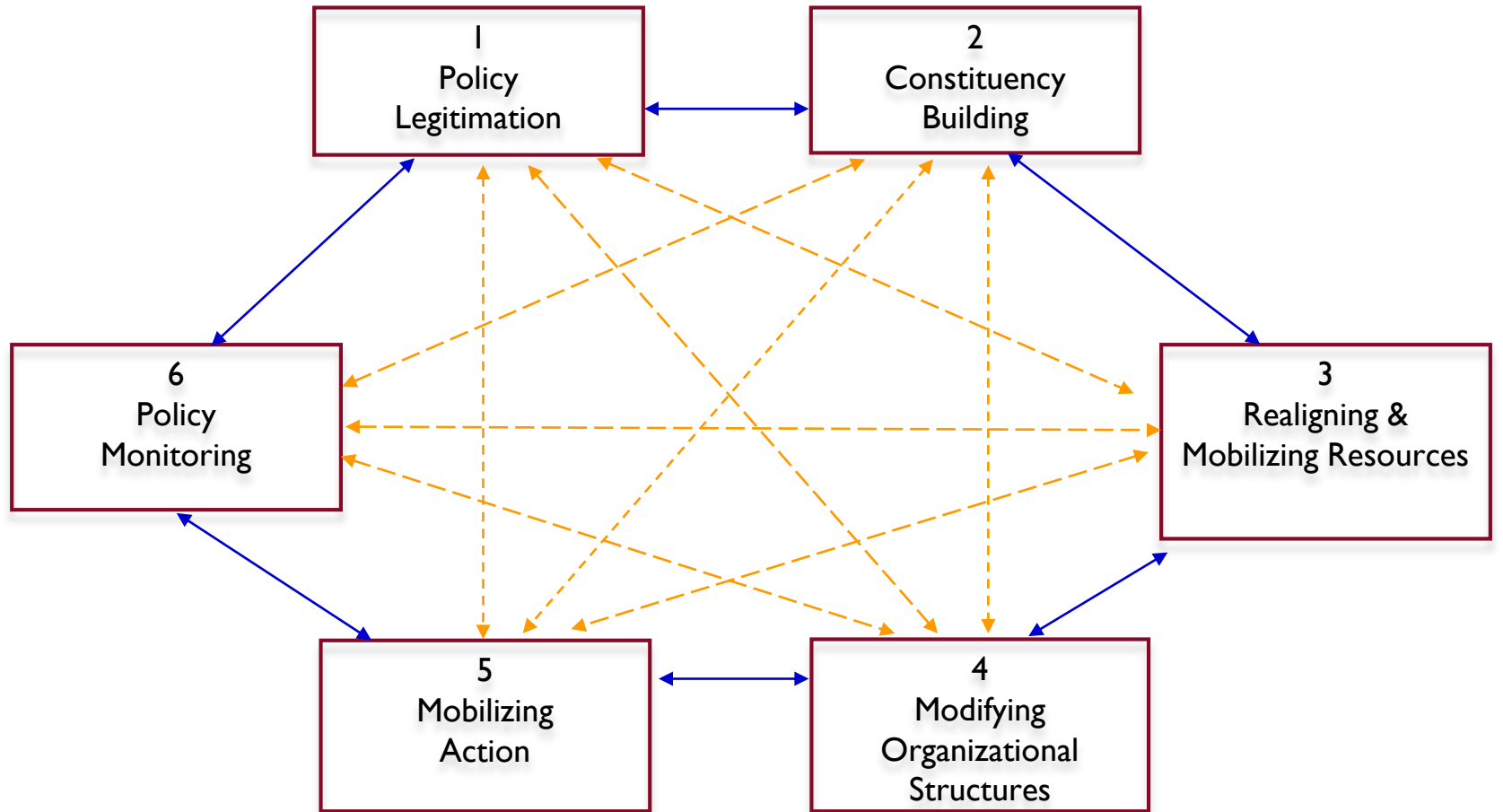
- a policy naturally builds on a systematic process; and
- how it feeds into the next policy development



But it does not always define the actual steps in the policy process



... so the policy cycle has also been portrayed like this



↔ Policy cycle sequence steps

↔ Relationships across the Policy cycle steps



Policy development

The steps show the policy formulation process as one which:

- engages decision-makers (Ministers/ COM/core ministries) at key stages
- is highly inclusive of all stakeholders
- is based on thorough and objective research

The policy development process is:

- evidence-based and engages stakeholders





Policy implementation

The policy implementation steps are:

- planned early in the policy development stage
- delivers the optimal choice of ‘tools’ (or ‘instruments’) selected to implement the policy decision
- includes stakeholder input

The policy implementation process is:

- evidence-based and engages stakeholders





Policy evaluation

The policy evaluation steps:

- **are planned** in the policy development stage
- **commence** at the policy development stage
 - the baseline research done in step 3.1 provides the information about the situation ‘before’ the policy is introduced
 - the same types of measurements taken ‘after’ the policy is implemented can show the impact of the policy.

The policy development process is:

- evidence-based and engages stakeholders





Policy documents

- **BRIEFING NOTES** to Minister and Council of Ministers inform, advise, recommend decisions to be made (1.4, 2.5, 5.3, 7.7)
- **BASELINE STUDIES** describe the existing situation (9)
- **STAKEHOLDER ENGAGEMENT STRATEGIES** are plans for how they will be engaged (2.5)
- **POLICY BRIEF** to recommend a policy decision (3.5)
- **ISSUES AND OPTIONS CONSULTATION PAPER** to facilitate stakeholder consultation on the policy option (4.1)
- **CONSULTATION REPORTS** show the results of the formal consultation process (4.4)
- **POLICY STATEMENT** outlining the policy (5.1)
- **IMPLEMENTATION PLANS** outline how the policy will be implemented (5.2)
- **DRAFTING INSTRUCTIONS**- details a legislative proposal (7.2)
- **POLICY IMPLEMENTATION** documents, such as program documents
- **POLICY MONITORING AND EVALUATION** documents



Indicative timelines

The estimated timelines in the handout indicate the differences between small and large policies. But what is small or large is not clear-cut and depends on:

Small/simple	Large/complex
Low or no financial cost	High financial cost
No legislation	Substantial legislation
Uncontroversial	Highly controversial
Minor impact on stakeholders	High impact on stakeholders
One ministry involved	Multiple ministries involved
Simple implementation arrangements	Complex implementation arrangements



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Discussion:

Are the following policy topics ‘big, complex’ or ‘small, large’. Why?

- the prevention of female genital mutilation
- the preservation and replanting of trees to halt desertification
- Introduction of water pollution controls over industries
- the resolution of an industrial dispute about pay rates in the public sector
- the free distribution of AIDS/HIV medicines from hospitals
- a prosecution policy for the Ministry of Environment
- systematic repair of Baghdad’s sewerage system
- review and reform of laws affecting business



Modifications of the steps

- Every policy is unique so the steps and stakeholder engagement methods can be shaped to meet its needs
- The steps can also be **shortened or collapsed together** if the policy issue needs to be addressed urgently
- When making changes, it is critical that you keep:
 - evidence-based decision-making ✓
 - communication with key decision-makers; and ✓
 - stakeholder engagement ✓



Key messages

- The steps logically reflect the foundations for policy
 - pull together the stakeholders with data and research
- Policy is not a linear process
 - the steps overlap between the phases of the policy cycle
- The principal role of the policy officer
 - is to provide clear, objective and informed information and advice at various stages in the process
- Policies are different
 - the steps can be modified so long as the key elements of evidence-based and stakeholder engagement are still present



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Public Policy



IS FOR

People!



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Questions/Comments



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What's Next?



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Trainer's notes

Presentation 1.5 Policy Steps	
Learning Objective	Participants appreciate the systematic sequence of steps <u>and the dynamic relationships across the policy steps</u> involved in policy development and implementation and the tasks policy officers undertake in their work.
Timing	3 hours
Training method	Presentation and group discussion
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handout- Policy Steps 3. Handout- Exercise

Slide 1 to 6 – Public Policy Training Program Context and Module overview and objectives

The objectives of this workshop are:

- To introduce the steps for developing, implementing and reviewing public policy
- To show the systematic sequence of activities that policy officers take within the policy processes
- To demonstrate:
 - how the steps relate to the policy cycle
 - the types of documents a policy officer needs to prepare
 - the roles of the other actors in the policy process; and
 - how the principles of good governance are put into practice through the use of evidence and stakeholder engagement

Distribute handout- Policy Steps

This handout will be a very useful checklist and guide to use when planning your policy work. It is something you should keep close at hand when you are working as a policy officer.

In this workshop we will look into how the policy steps -

- link into the policy cycle;
- promote evidence-based policy and good governance through:
 - conducting empirical research;
 - engaging external stakeholders to promote good governance and inclusiveness;



- promoting inter-governmental coordination and cooperation through early consultation;
- promote policy co-ordination and coherence through intra-governmental engagement; and
- require the production of various policy documents.

Slide 7 & 8 – Overview of the steps- their objectives

The policy steps are as follows-

1. **Issue identification**, where we define the policy problem and its causes so we can define the policy, its scope, goals and objectives;
2. **Policy office planning and set-up**, where we set up the teams, stakeholder engagement system and procedures to develop the policy;
3. **Policy analysis**, where we conduct extensive research into the best way to implement the policy goals and objectives and formulate a proposal;
4. **Stakeholder consultation**, where we seek feedback from stakeholders about what they think about the proposed policy;
5. **Policy decision**, where the best policy option is recommended to the Minister/Council of Ministers for their decision;
6. **Implementation and monitoring**, where the policy is implemented according to a plan. This could also include developing and passing legislation (phase 7); and
7. **Evaluation**, where the effectiveness of the policy is assessed and a decision could be made to amend it, continue with it etc. into the next policy cycle.

Slide 9.– Evidence-based policy

Evidence-based policy is about basing policy decisions on verifiable evidence. It is contained in the policy steps that involve-

- Research to identify the real issues for the policy to address (phase 1);
- Research to prepare a baseline study (phase 3), which also links in with the evaluation phase (phase 8);
- Research to identify and evaluate the options for implementation (Phase 3);



- information gained through stakeholder engagement (almost all the phases where the last column says ‘in conjunction with stakeholders’ and in the formal external consultation phase) .

Evidence-based policy is one of the most important foundations for a policy because it makes sure the policy decision will be based on realistic and verifiable information.

Slide 10 – Stakeholder engagement

Stakeholder engagement is about how stakeholders are involved in the policy development process.

There are different types of stakeholders-

INTERNAL STAKEHOLDERS

- other line ministries and government institutions within the central government which have an interest in the policy. There are also the ‘core ministries’, such as the Ministry of Finance which controls the budget, and the Ministry of Planning, the Prime Minister’s office and PMAC which have an interest in maintaining policy coordination and coherence. The Ministry of Justice is also core ministry when legislation is involved. These ministries need to be actively engaged in the policy steps to make sure there is consistency in the government.

EXTERNAL STAKEHOLDERS

- other governments: Kurdistan and the provinces, which, as we covered in the workshop on legal frameworks, are relatively autonomous and if a policy is likely to impact on them, they need to be actively engaged to secure their cooperation;
- ‘external stakeholders’ are also those individuals and organizations outside the government who have an interest in the policy. Depending on the policy, there could be large numbers of stakeholders or only a few. They could be business organizations, NGOs, think tanks etc. These stakeholders are often the people and organizations that are directly affected by the policy. As a principle of good governance, they need to be informed of the policy and engaged in its formulation and implementation.

The policy steps include steps to engage these 3 different types of stakeholders.

We need to plan HOW, WHY and WHICH stakeholders should be engaged for each separate policy because every policy will be different. Therefore, stakeholder engagement strategies should be developed to meet the specific needs of each policy. The steps in the handout therefore do not yet include many of the stakeholder engagement processes- we will cover this in workshop 3.3.



One important thing to understand about stakeholder engagement is that the outcome is not simply a short moment where views are exchanged. Rather, stakeholder engagement of all kinds is a continuous process in which enables cooperative relationships to be formed. These relationships last throughout the life cycle of a policy and take various forms and at various points in the policy process according to the needs of the policy itself.

Although the handout on the steps do not include all activities related to stakeholder engagement, it does include a formal stakeholder consultation phase.

Ask the participants to identify the internal and external stakeholder engagement in the steps and what is the likely objectives of these steps....

ANSWER-

Step 1.3 - consultation with all types of stakeholders to gather information on the policy issue

Steps 2.2 and 2.3 stakeholder mapping and development of detailed stakeholder engagement to suit the needs of the policy and stakeholders- these are then put into place in the policy office implementation periods (step 2)

Step 3.3 the policy analysis stage includes taking into account the view of all stakeholders

Step 4- is formal consultation on an issues and option paper on consultation, with the objective of obtaining a wide response to the policy in a formal consultative process

Step 7- there is public consultation in the formulation of legislation to make sure that the legislation meets the policy needs

Step 6- implementation and monitoring involves stakeholder feedback about how the policy is going on the ground

Step 8 Evaluation also involves stakeholder consultation about whether the policy met its objectives

This exercise shows how stakeholder engagement is a continuous process throughout the policy cycle. We will cover stakeholder engagement in more detail later on in the course.

Slide [11 & 12](#) - The policy cycle

The policy cycle is evident in the headings of the policy steps- issue identification, policy analysis and decision, stakeholder consultation, implementation and monitoring, and evaluation.

But the policy cycle is not really a straight linear process and its phases often overlap-



External stakeholder consultation is continuous, starting at an early stage. It is **NOT** simply a conference or a consultation period when the policy proposal has been formulated. Stakeholder engagement is a comprehensive inclusive process throughout the entire policy formulation and implementation processes. This is good governance at work. You can see this, for example, in steps 1.3, 2.5 and 4.

Internal stakeholder engagement (consultation with those ministries that also have an interest in the policy) is also continuous and starts at an early stage. This is how coordination and cohesion is achieved. You can see this in steps

Coordination and cohesion is also achieved by engaging the PM and the Council of Ministers at key points of the policy steps so the steps include milestones where the Council of Ministers is informed of the processes and their outcomes.

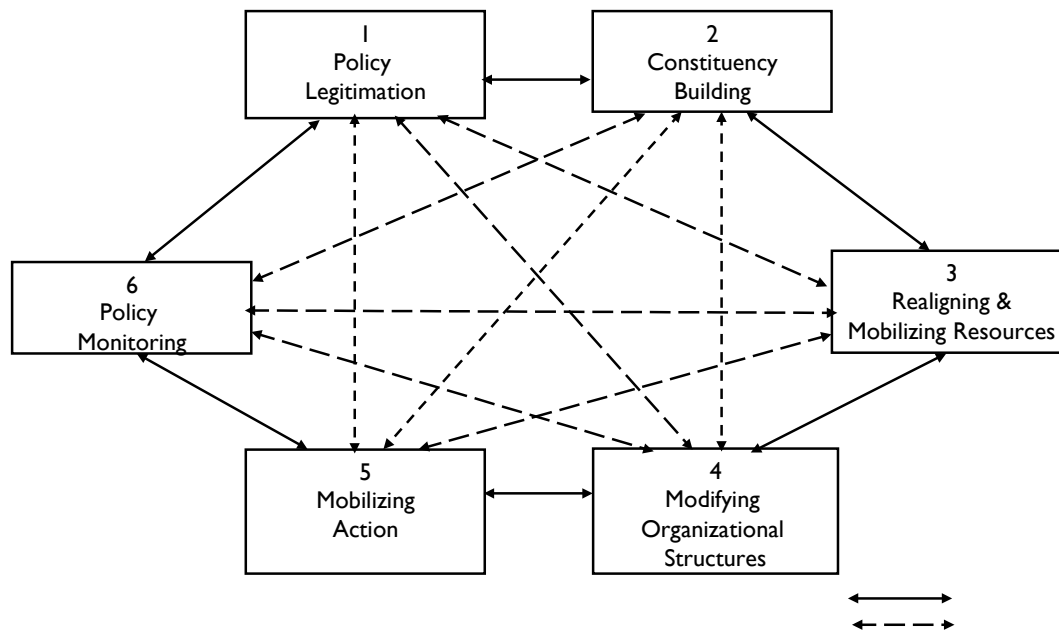
Implementation, monitoring and evaluation and finances are designed and negotiated in the policy development stage and NOT and afterthought once the policy has been formulated. You can see this, for example, in 2.2, 2.5.

Overall, the policy process is not linear. For example, you could go through an extensive policy analysis process only to find that the policy definition or goals needs to be reviewed and changed. This could take you back to the beginning to restart on new goals and objectives.

Slide **13** – [So the policy cycle is also portrayed like this...](#)



Therefore, in reality the policy cycle looks like this-



The policy cycle is not really a linear process. [This diagram is much more complex than the one we looked at in workshop 1.2 'overview of the policy cycle'](#). But it shows that every step links with every other step, rather than being linear in a nice neat circle. We sometimes need to backtrack to find better solutions or collect more information. [If we have to do this, it is not a bad thing. In fact, it is very good!](#) [This is because the process itself has revealed to us that we have gone down the wrong track, and it gives us the opportunity to go back and start again along the right one.](#) Therefore the policy process, when seen as a more complex matrix of interactions, helps us to understand the policy process as [dynamic and flexible](#). We need to continuously check in with the decision-makers and stakeholders about how they regard the policy. We need to pay attention to the monitoring of the policy and refine our policy approach.

This diagram [also represents the 'policy cycle' differently than what we have seen before.](#) It shows another way to understand public policy as a process that links together politics, government and leadership (legitimation) with stakeholder support (constituency building) for the policy with gathering resources (realigning and mobilizing resources), modifying organizational structures (internal and external) and mobilizing action to implement. Each of these elements link with each other.



The policy steps in the handout highlights this interconnectedness to some extent by including the internal and external stakeholder engagement as an ongoing process and by including the decision-makers in the key steps along the way. HOW you undertake the policy steps and HOW you incorporate good governance in the steps is also key.

[Once we have completed the course and the practical aspects of it, you will appreciate this diagram more. At the moment, the most important message is that policy-making is not always a nice clean linear process. In the meantime, let's return to the policy cycle as we learned it in the earlier workshops.](#)

Slide 14 – Policy development

The policy steps show how the policy formulation process is one which –

- engages decision-makers (such as the minister or council of ministers) at key stages of the process. BRIEFING NOTES, are the usual way to provide information and advice. **Note where these briefing notes are in the steps and how they inform, recommend, advise at critical times....**
- Is highly inclusive of all stakeholders- we covered this in an earlier slide
- Is based on thorough and objective research- this is about evidence-based policy, which we also covered in earlier slides.

Indeed, you will find that this workshop will consistently repeats the same message – **POLICY IS EVIDENCE-BASED AND ENGAGES STAKEHOLDERS**

Slide15 - Policy implementation

One of the most important things to know about policy implementation is that planning for it should be done during the policy analysis period. Policy implementation is intrinsically linked with the right selection of government tools. These are the mechanisms the government uses to implement the policy, such as legislated prohibitions, delivery of services to the community, introduction of tariffs etc and each one is likely to have different costs and impacts. Similarly, how the policy tools can be implemented is a matter that should be considered as early as possible- is it straightforward? What, for example, is the timing? Resources needed? Costs? How acceptable are the tools likely to be to stakeholders? These factors are important to plan early with a view to efficient and effective implementation.

Stakeholder engagement is also important in policy implementation. Sometimes stakeholders may become an implementation partner. For example, a NGO could implement part of a community-based



health care policy by operating the health care centers. Gaining stakeholder feedback on policy as it is being implemented is also a principal way to find out if it is achieving expectations.

Slide 16 – Policy evaluation

The policy evaluation steps are also planned in the policy development stage. During this stage, for example, a baseline study is usually done, which shows the situation that is subject to the policy before it is implemented. For example, for a policy on violence against women, data is collected at an early stage to identify the size of the issue, where the violence occurs etc. The policy is designed to address these specific features. In the evaluation stage, the same type of research is repeated and compared against the original research to see if the policy worked, where it worked, and where it may have failed to meet expectations. The results of this analysis can be used to review the policy and to make adjustments where this is needed. This process forms part of evidence-based policy.

Like in the implementation stage, policy evaluation also includes stakeholder engagement because the information provided by stakeholders and their views about the policy are also central to its evaluation.

Slide 17 – Policy documents

The steps outline the main policy documents that a policy office must produce. The documents are-

- The **Baseline Study** identifies the existing situation around the policy issue, which assists to identify the policy goals and objectives as well as provides data for the later impact assessment to see if the policy achieved its goals and objectives.
- **Briefing notes** to the Minister and the Council of Ministers (depending on the importance and scope of the policy), which inform, advise and recommend. You can see some of these notes in steps 1.4, 2.5, 5.3 and 7.7. These briefing notes are critical documents that provide essential evidence-based and stakeholder information to the decision-makers. Very often, verbal briefings are also given to the Minister.
- **Stakeholder engagement strategies** are documents that outline who, how, when and why internal and external stakeholders will be engaged throughout the policy process. The strategies are typically developed in conjunction with the stakeholders themselves.
- The **policy brief** is the document that outlines the policy analysis process and makes recommendations about the preferred option for decision by the Minister or Council of Ministers. See step 3.5. The policy brief represents the culmination of a lot of research and consultation and is presented to the Minister/s as a coherent and well-argued recommendation.



- The **issues and options discussion paper** forms the basis for formal stakeholder consultation in step 4. It is designed to inform the stakeholders about the issue, present the preferred options and to seek feedback on issues relating to the policy proposal. This consultative period is usually very structured and casts a wide net to capture views from as many stakeholders (internal and external) as possible. Because the stakeholder engagement in earlier steps, policy officers will already be familiar with many of the issues that stakeholder will have but this process formalizes their responses.
- The formal consultative process is wrapped up with a **consultation report** that summarizes the stakeholder's feedback and shows how the proposal has been reshaped to incorporate their concerns and views- or why these views are not incorporated. This document reflects transparency in decision-making, which is an essential part of good governance. This document is found in step 4.4.
- The **policy statement** is the actual policy document. It is prepared in step 5. The policy statement is a statement about what the government will do about the policy issue and how it will do it. Once it is approved by the Minister or Council of Ministers (depending on its importance and scope), it will become an official commitment of the government. The policy statement decision is typically supported by information about the options, report on the results of consultation and has an implementation plan. In the next workshop we will look at policy statements.
- **Implementation plans** are plans that identify who, what, how, when and where action will be taken to implement the policy. They also include issues of cost and resourcing and management arrangements. They are important documents for the government because they set out the steps and responsibilities of the implementation actors to deliver the policy. Implementation plans are usually prepared by program planners with the assistance of the policy officer.
- **Drafting instructions** are prepared when legislation is contemplated. Legislation is one of the 'tools of government' that implements policy. They are documents that go to the Council of Ministers, along with a briefing note, to request approval to proceed to prepare draft legislation. This helps the CoM to plan its legislative program. The drafting instructions usually outline the key features of the proposed laws.
- **In policy implementation** we also have **program documents** which identify important information about the steps to implement the policy, such as the cost, timing and who is responsible for doing it.
- **Monitoring and evaluation** also produce reports.

This training program will show you how to prepare these documents. They are usually brief, well structured and well argued documents.



Slide 18 – Timelines

The handout indicates the timelines that the steps are likely to take. These timelines are a guide only, as many factors can come into play to either shorten or lengthen the time it takes to achieve the various steps. For example, legislation may be held up in Parliament and cause a significant delay in implementation, or the Minister may request a policy to be prepared urgently and it may be necessary to shorten some steps and to collapse some other steps together.

The timelines also depend on whether the policy is ‘small’ or ‘large’. In reality, it is difficult to categorize policies easily into ‘small’ and ‘large’ so this slide offers some guidance about it. ...

‘Small’ policies could be policies that have minimal or no financial cost, involve no legislation, be uncontroversial, have a minor impact on stakeholders, involve only one ministry and/or require very simple implementation arrangements.

‘Large’ policies could be policies that involve substantial finances, substantive legislation, are highly controversial, have a high impact on stakeholders, involve multiple ministries and/or require complex implementation arrangements.

This categorization is only a guide- every policy and policy issue is different and needs to be assessed individually to see what is small and what is large- or what is in between.

The policy steps will be more or less detailed and complex and involve more or less effort depending on the policy issue.

Slide 19 – Discussion: Are the following topics ‘big/complex’ or ‘small/simple’ and why?

DISTRIBUTE the handout form to complete.

ASK the participants to form groups of 3 to discuss the policy topics and to categorize them as ‘big’ or ‘small’ policy issues. They should especially take into account the likely impact of the policy on stakeholders (internal and external) and on governments, cost, legislation, whether controversial or not and whether implementation is likely to be complex. The following are answers to discuss...



Policy issue	Impact external stakeholders	Impact internal stakeholders	Impact other governments	Cost	Legislation	Controversial?	Simple or complex implementation
Prevention of female genital mutilation	Impact on stakeholders in some geographic areas only	Multiple ministries- Health, Human Rights, Womens Affairs etc	Kurdistan and potentially provinces	Medium	Likely	Yes – may be opposed by religious or tribal groups	Simple – eg awareness programs, legislation and enforcement
The preservation and replanting of trees to halt desertification	May impact farmers and forestry	Multiple ministries- Environment, Water, Agriculture	Yes- may operate across jurisdictions	Medium	Not likely	Unlikely – but may be opposed by farmers	Simple eg awareness, tree planting and supply programs
The management water pollution from industries	Industry and local downstream communities affected	Multiple ministries – health, agriculture,	Yes- will operate across the jurisdictions that rivers run through	Medium	Yes	Yes – likely to be opposed by industries	Complex
The resolution of an industrial dispute about pay rates in the public sector	Trade unions and workers affected	All ministries affected	No	Unknown	Unlikely	Yes – source of political and economic conflict	Simple
Distribution of AIDS/HIV medicines freely distributed from hospitals	HIV/AIDS patients and families	Ministry Health, hospitals, Ministry of Human Rights (potentially)	No	Unknown	Unlikely	Potential opposition from religious groups	Simple



Policy issue	Impact external stakeholders	Impact internal stakeholders	Impact other governments	Cost	Legislation	Controversial?	Simple or complex implementation
A prosecution policy for the Ministry of Environment	Minimal-offenders of environmental laws affected	Ministry of Justice – consistency with other prosecution policies and penalty levels etc	No	None	No	Unlikely	Simple
The systematic repair of Baghdad’s sewerage system	Sewerage system users-households and industry but likely to have relatively low interest	Multiple ministries to do with infrastructure	Yes- Baghdad councils	High	No	No	Complex
Review and reform of laws affecting business	High impact on business	Multiple ministries with a role in regulating business	No	Unknown	Yes	Medium	Medium

These likely answers show how every policy is different and it is useful to do some quick mapping to see where the policy work should be focused.

Of note-

- some policy topics that look relatively small and straightforward except for one aspect..... for example, the policy topic about the distribution of AIDS?HIV drugs from hospitals and the industrial dispute policy- these are relatively small unless there is stakeholder opposition, indicating that policy steps should focus on working with particular stakeholders.
- Highly controversial or costly policies are likely to be of great interest to the Ministers and Council of Ministers, so the policy steps should ensure that these decision-makers are actively engaged.

Slide [20](#) – Modification of steps

Based on the exercise, it is clear that the steps should be modified to meet the particular needs of each policy issue. A Minister may also call for a policy to be proposed urgently, in which case the steps can also be shortened or collapsed together.

HOW to modify the steps is a matter to be discussed and decided in the policy unit, and recommended for decision to the Ministers and Council of Ministers (depending on the scope and importance of the policy). We will come back to this issue closer to the end of the course.

HOWEVER, whenever the steps are modified it is vital to keep the foundations of good public policy in place. That is-

1. Evidence-based decision-making
2. Communication with key decision-makers and
3. Stakeholder engagement

Slide [21](#) – Key messages

These are the key messages of this workshop.

You also have the handout showing the steps in the policy process, which can be used as the basis for designing and implementing your public policy programs.



Slide 22 – Public Policy is for People

Offer this statement for participant discussion, focusing on how the steps contribute to improving our community through public policy.

Slide 23 & 24 Workshop summary

- Questions or comments
- What's next: linking today's work to the next module/training
- Reminder of any post workshop tasks
- Thank participants for their input

Exercise 1.5 Are the following topics ‘big’ or ‘small’ and why?

In your group discuss the policy topics that have been assigned to your group. As a group categorize them as ‘big’ or ‘small’ policy issues – do this by taking into account the likely impact of the policy on stakeholders (internal and external) and on governments, cost, legislation, whether controversial or not and whether implementation is likely to be complex. Complete the table below, include details re: how broad is the impact and who will be impacted, cost estimate e.g. high, medium, low or unknown; whether legislation is required; the level of controversy and what main group may find the policy controversial; and rate the ease of policy implementation.

Policy issue	Impact external stakeholders	Impact internal stakeholders	Impact other governments	Cost	Legislation	Controversial?	Simple or complex implementation	Policy assessment ‘big’ or ‘small’
Prevention of female genital mutilation								
The preservation and replanting of trees to halt desertification								

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In your group discuss the policy topics that have been assigned to your group. As a group categorize them as ‘big’ or ‘small’ policy issues – do this by taking into account the likely impact of the policy on stakeholders (internal and external) and on governments, cost, legislation, whether controversial or not and whether implementation is likely to be complex. Complete the table below, include details re: how broad is the impact and who will be impacted, cost estimate e.g. high, medium, low or unknown; whether legislation is required; the level of controversy and what main group may find the policy controversial; and rate the ease of policy implementation.

Policy issue	Impact external stakeholders	Impact internal stakeholders	Impact other governments	Cost	Legislation	Controversial?	Simple or complex implementation	Policy assessment ‘big’ or ‘small’
The management of water pollution from industries								
The resolution of an industrial dispute about pay rates in the public sector								

Exercise 1.5 Are the following topics ‘big’ or ‘small’ and why?

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Policy issue	Impact external stakeholders	Impact internal stakeholders	Impact other governments	Cost	Legislation	Controversial?	Simple or complex implementation	Policy assessment ‘big’ or ‘small’
Whether AIDS/HIV medicines should be distributed freely from hospitals								
A prosecution policy for the Ministry of Environment								

The Policy Steps

The attached table shows the key steps for the design and implementation of a typical policy and their estimated timelines.

The overall timescale for policy formulation and implementation varies on a range of factors. For example, a policy may need to be formulated urgently so some of the steps may need to be shortened or collapsed together. In these cases, regular communication should be maintained between the Minister's office and the policy office, and between the Ministry and key stakeholders to ensure that the policy's focus is fully workable. The policy implementation process is also longer when legislation is required because of the government and parliamentary steps and consultation.

Every policy is unique. In general, however, the effort put into the policy-making process should be proportionate to the scope, political significance and the amount of public funds involved in each policy. The forms of and timing for internal and external stakeholder engagement and inter-governmental consultations will also vary according to the nature and expected impact of the policy. Communication and stakeholder engagement strategies must therefore be developed for the unique needs of each policy and will inevitably involve steps that are in addition to those noted in the table below.

The Policy Steps

✓	#	Step	Estimated Timeframe		Actor
			Ministry-based or simple policy	Large, complex or controversial policy	
1. Issue identification					
	1.1	Issue selected (typically from the ministry's and/or government's strategic framework or in response to urgent need)	1 to 4 weeks	2 weeks to 6 months	Minister, stakeholders, Ministry staff
	1.2	Check if the problem is feasible for a policy (legal, jurisdictions, mandate of ministry etc)			Policy office in conjunction with legal officers
	1.3	Conduct preliminary research and consultation on the proposed policy problem to identify the dimensions and causes of the problem and linkages into the existing government policy frameworks			Policy officer in conjunction with technical staff and <u>key</u> stakeholders
	1.4	Develop problem/solution tree and identify proposed policy scope, vision and preliminary goals, objectives, targets etc			Policy officer in conjunction with technical staff and <u>key internal and external</u> stakeholders
	1.5	Analyse and map stakeholders and prepare an engagement strategy for internal and external stakeholders on the policy problem <u>as identified</u> and prepare stakeholder engagement strategy			Policy office <u>and key internal and external stakeholders</u>
2. Policy office planning and set-up					
	2.1	Prepare policy office plan for preparation of the policy, including steps, timelines, budget, management and stakeholder engagement strategy	1 to 4 weeks	2 to 8 weeks	Policy office
	2.2	Prepare Ministerial/Council of Ministers Briefing Notes seeking approval to the terms of reference for the policy, policy office work plan and stakeholder engagement strategy.			Policy office
	2.4	Establish policy project team comprising policy and technical experts according to approved plans			Policy office
	2.5	Establish formal internal and external stakeholder engagement arrangements according to stakeholder engagement strategy			Policy office and other relevant ministries

3. Policy analysis					
	3.1	Establish criteria for selection of policy options for the policy problem	4 to 10 weeks	12 weeks to 24 months	Policy officer in conjunction with technical staff and stakeholders (depending on stakeholder strategy)
	3.2	Collect <u>empirical</u> data on the policy issue and <u>conduct-identify</u> baseline <u>study</u> data.			Policy officer and technical staff of ministry
	3.3	Brainstorm options for addressing the policy issue and- <ul style="list-style-type: none"> • Collect empirical data on options; • Undertake initial economic and social appraisal of the options (including gender); • Consider the appropriate policy instruments; • Consider monitoring and evaluation of the policy options; • Consider feedback from discussions with <u>key</u> stakeholders; • Consider budgetary implications of options and consult with Ministry of Finance on budget availability and PMAC/COMSEC for policy coordination and coherence. 			Policy officer, technical staff, in conjunction with stakeholders
	3.4	Develop a proposal for how to proceed with a preferred policy option and identify the issues requiring stakeholder feedback	2 weeks	2 to 6 weeks	Policy office, Director General and other senior decision-makers in the Ministry.
4. Formal external stakeholder consultation					
	4.1	Prepare policy issues and options consultation paper on the preferred policy option and key issues for stakeholder information and feedback. Seek Minister/COM approval for the release of the paper	4 to 8 weeks	4 to 6 months	Policy office, Director General and other senior decision-makers in the Ministry.
	4.2	Undertake formal external stakeholder consultation	8 to 12 weeks	8 to 20 weeks	Policy office
	4.3	Review and refine policy option based on the results of consultation	2 weeks	2 to 6 weeks	Policy officer

5. Policy decision					
	5.1	Prepare policy brief and a draft policy statement to Minister/Council of Ministers for approval documenting the policy development, and outcome of consultative process <u>consultation</u> and recommending the preferred option. The briefing should also give a broad indication about implementation, budget, timelines etc.	2 weeks	2 to 6 weeks	Policy office, Director General and other senior decision-makers in the Ministry.
	5.2	Prepare and disseminate report on the outcome of the consultation showing government's response to stakeholder's feedback <u>showing how the government has responded to public comments.</u>	2 weeks	2 to 6 weeks	Policy officer, <u>communications office</u>
	5.3	Policy statement released as formal policy of the government	1 day	1 day	Council of Ministers/Ministry communications office
6. Implementation and monitoring					
	6.1	Prepare an implementation plan for the policy , including resource mobilisation, management and co-ordination, risk management, communication, and monitoring <u>and evaluation.</u>	2 to 6 weeks	4 to 12 weeks	Policy officer with planning and technical officers, <u>key stakeholders</u>
	6.2	Ministry/s receives resources to implement the policy	Policy duration	Policy duration	Ministry of Finance
	6.3	Undertake implementation of policy according to the plan			Ministry/s and implementation partners
	6.4	Conduct monitoring of deliverables and activities			Ministry/s and implementation partners
7. Legislation (concurrent with step 6) steps and depending on Council of Ministers Secretariat and COR procedural rules					
	7.1	Prepare a plan for the preparation and passage of legislation, including political mapping to identify the entry points and key political issues	6 to 10 months	1 to 2 years	Policy officer and/or legal officer
	7.2	Prepare briefing paper and drafting instructions for submission to Council of Ministers seeking approval in principle to prepare draft legislation			Policy officer and/or legal officer, Director General and other senior decision-makers in the Ministry.
	7.3	Draft legislation			Ministry legal officers
	7.4	Draft legislation submitted to stakeholders and refined following consultation			Policy officer

	7.5	Briefing note to Minister and Council of Ministers for approval to submit draft legislation to Parliament			Policy office, Director General and other senior decision-makers in the Ministry.
	7.6	Draft legislation submitted to Shura Council and Minister for Parliamentary Affairs for approval			Council of Ministers/PM office
	7.7	Draft legislation introduced to Parliament <u>and Parliamentary sub-committees</u>			Minister etc, <u>Parliamentary sub-committees</u>
	7.89	Draft legislation undergoes legislative and executive processes to become law			Parliament, executive
	7.910	Legislation implemented according to implementation plan including necessary administrative changes and information.			Ministry and internal and external implementation partners
8. Evaluation					
	8.1	Evaluate the <u>impact results</u> of the policy	Up to 3 months	1 to 2 years	Policy office and technical staff in conjunction with stakeholders.
	8.2	Report on results of evaluation to Minister, Council of Ministers <u>etc</u>			Policy office, Director General and other senior decision-makers in the Ministry.
	8.3	Communicate results of the evaluation to the stakeholders			Minister and Ministry staff
	8.4	Based on results of evaluation study and feedback from Ministers and stakeholders, consider and recommend future policy directions.			Policy officer, stakeholders, minister etc- as for 1.1 Issue proposed



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What does a public policy look like?

1.6 Introduction to Public Policy



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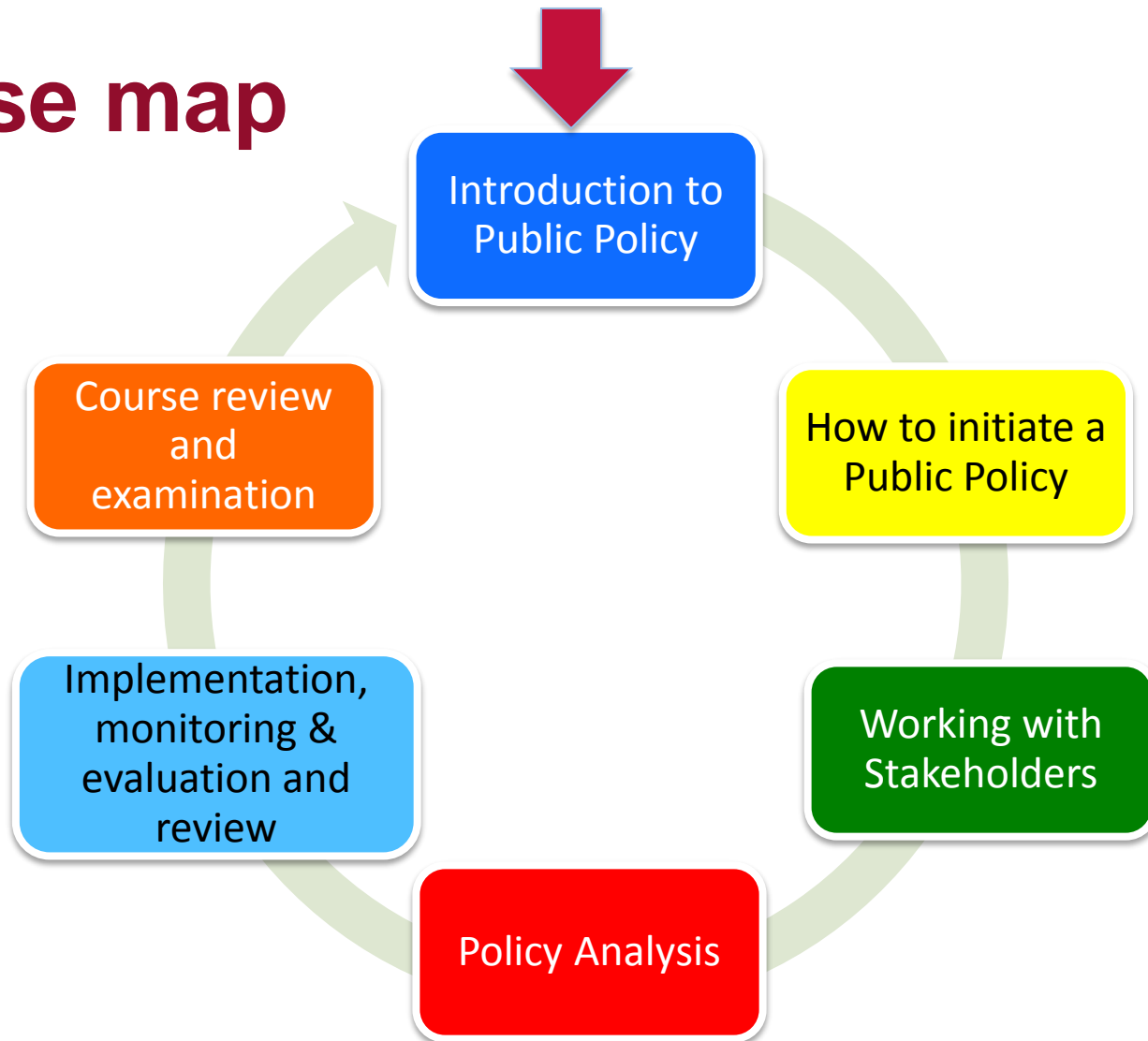
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Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that all we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team

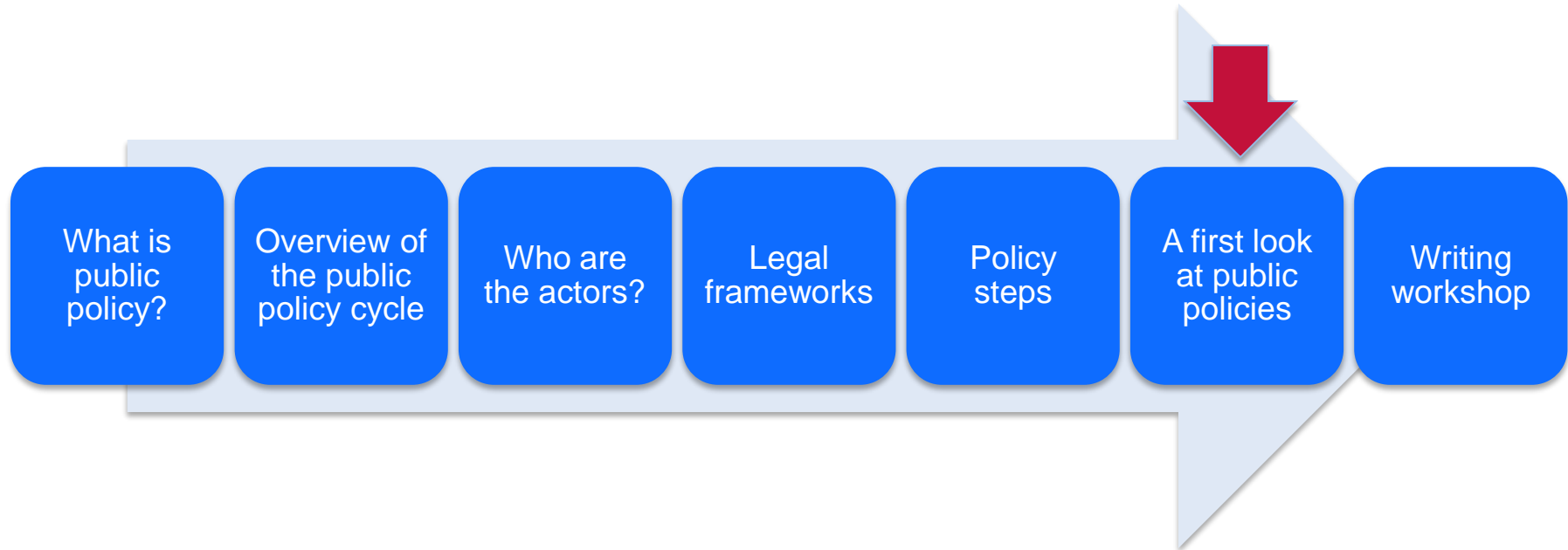


Course map





Part 1 -Introduction to public policy





Workshop objectives

- To familiarize participants with public policy statements
- To identify what they have in common
- To examine real public policy statements from around the world





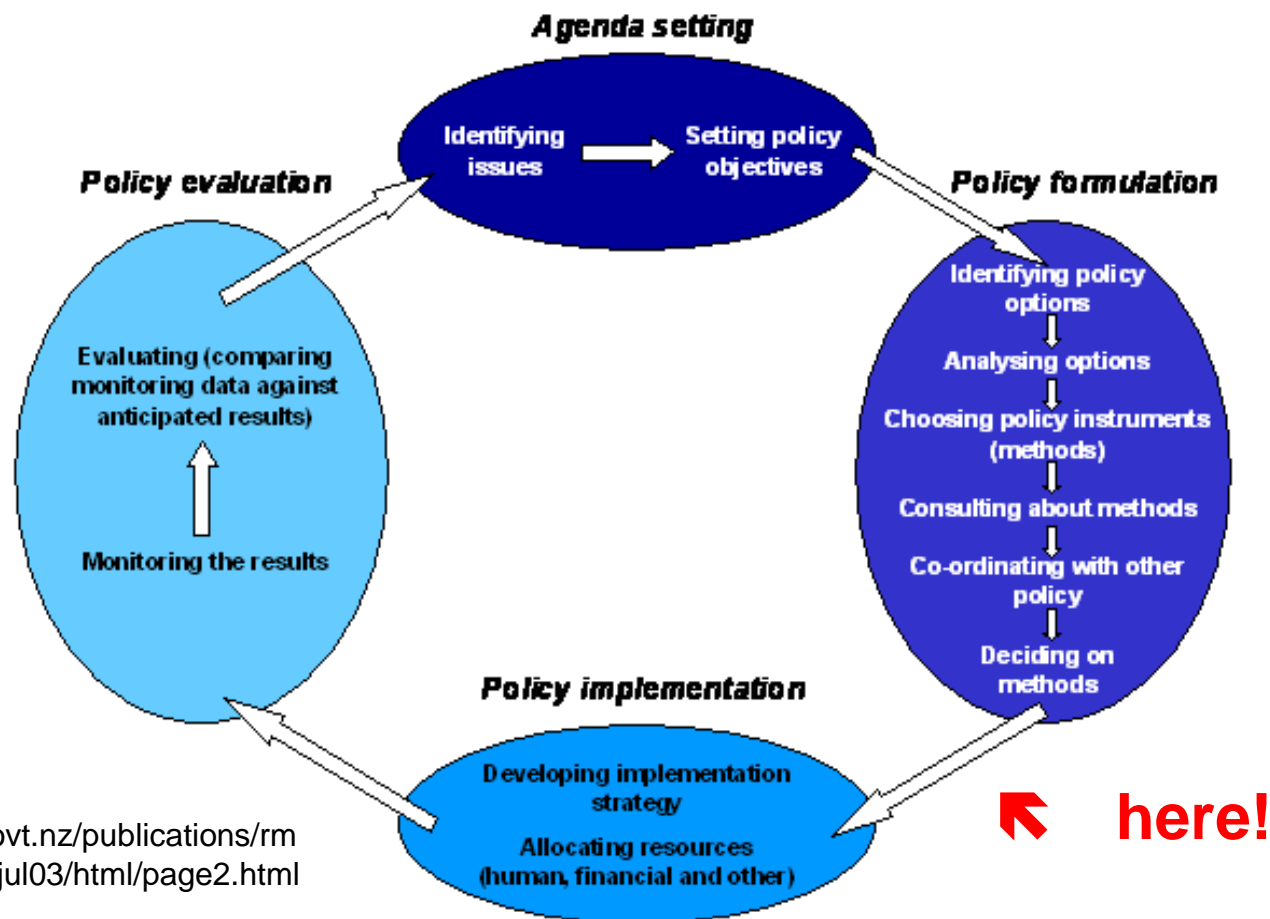
Public policy statements – What are they?

- Statements of how the government will address a policy problem
- The culmination of the policy agenda-setting and formulation stages





Public policy statements are finalized...



reference:

<http://www.mfe.govt.nz/publications/rma/drafting-issues-jul03/html/page2.html>



Public policy statements

- are found in governments all around the world
- cover different topics and have different scopes e.g.
 - a national agricultural policy for a whole country
 - a training policy for public sector employees, or
 - the management of bullying in schools



They also have many features in common.....

What are they?



Public policy statements – common features

- Describes the policy *problem*
 - the importance of why the government is taking action; and
 - how this action fits into the government's overall programming
- Describes *how* the government has gone about solving the problem e.g.
 - the role & input of stakeholders
 - procedures and guidelines for executing policy
- Describes *what* the government wants to achieve to resolve the problem
 - what objectives it will focus on to get there
 - how it will implement the objectives; and
 - who will be responsible for it





Public policy statements: 5 key components

- Policy Context
- Policy Development
- Policy Co-ordination & Cohesion
- Policy Scope
- Policy Principles





Policy context : the policy problem and justification

- The problem
- The background to the problem
- Why this policy is needed



Ref:

- *India's Public Sector Training Policy – chapter 1*
- *Pakistan's National Education Policy – chapter 1*
- *USAID's Gender Equality and Female Empowerment Policy – chapter 2*



Policy background: the policy development process

- Brief description of how the policy was developed
- Demonstrates legitimacy

Ref:

- *Tanzania's SME Policy - foreword*
- *Maldives Solid Waste Management Policy – 'Steps in the preparation of the policy'*
- *Baltic Sea Policy - 'stakeholder participation'*



Policy Coordination and cohesion - the policy framework

- How the policy fits into the strategic goals and other policies of the government
- The institutions, ministries and governments (local and regional) relevant to the policy's goals



Ref:

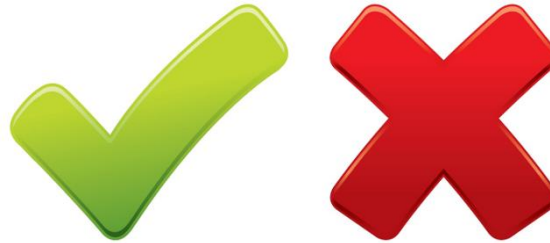
Tanzania's Small and Medium Enterprise Development Policy 2002, Chapter 2.3

Yukon's Safe and Caring Schools Policy- 'cross-reference'



Policy definitions and scope

- These set out the scope and the limits of the policy's application
- what the policy *covers* and what it *excludes*



Ref:

- Maldives Solid Waste Management Policy 'definitions'*
- India's National Training Policy – 'Competency framework' chapter 2*
- Tanzania's SME Development Policy – chapter 2*



Principles

- The values contained in the policy
- They guide the policy's formulation, implementation and interpretation
- They can also be technical principles, such as 'the best interests of the child', which has a special meaning in child protection.

Ref:

- *Maldives Solid waste Management Policy – 'principles'*
- *USAID's Policy on Gender Equality and Female Empowerment – chapter 5*
- *Yukon's Safe and Caring Schools Policy - 'principles'*



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The policy flow – concept to action





Vision

- The vision in a policy is a ‘big picture’ statement of aspiration
- It sets the direction of the policy



Ref:

- *USAID’s Policy on Gender Equality and Female Empowerment – chapter 3*
- *Pakistan’s Education Policy – chapter 4*
- *Tanzania’s SME Development Policy – chapter 4.1*





Policy goals, aims, outcomes, overall objectives

- The goals, aims or outcomes are statements of ‘what type of change is expected to occur through the policy: and
- When that change is expected to be visible
- This may also include targets

Ref:

- *Maldives Solid Waste Management Policy - ‘our targets’*
- *Pakistan’s National Education Policy – at the start of each chapter*
- *Baltic Sea Policy – 4 main objectives*





Policy objectives

- Policy objectives state **HOW** the government intends to achieve its goals
- Policy objectives are measurable Jane do you want to use the SMART model here (specific, measurable, achievable, resource & time??? – can do a slide)

Ref:

- *Pakistan's National Education Policy – under each 'goal'*
- *Tanzania's SME Development Policy- through document*
- *Maldives Solid Waste Management Policy- 11 objectives*
- *Baltic Sea Policy- targets under '2 Towards a Baltic Sea undisturbed by hazardous substances'*





Policy strategies or actions

- The policy strategies or actions describe how the objectives will be achieved by specific strategies
- E.g.- preparing legislation, building infrastructure etc.

Ref:

- *Tanzania's SME Development Policy*
- e.g. p. 16
- *Pakistan's National Education Policy* – e.g. 5.4
- *Maldives Solid Waste Management Policy*
- e.g. under each objective





Implementation responsibilities

- Who does what to implement the policy?
- Implementation coordination- lead agency, implementing agencies, who makes the decisions etc

Ref:

- *Tanzania's SME Development Policy – chapter 16*
- *Pakistan's National Education Policy – chapter 11*
- *India's National Training Policy- chapter 11*





Action Plans

- The activity, who is responsible for implementation, timing, resources, barriers and how to overcome them, and other relevant actors
- Action plans are not always in policy documents but they are **ALWAYS** in ministry/government documents



Ref:

- *At the end of Tanzania's SME Development Policy*





Review, monitoring and evaluation

- When and how will the policy be reviewed?
- What are the monitoring and evaluation arrangements (overall)

Ref:

- *India's National Training Policy – chapter 12*
- *USAID's Policy on Gender Equality and Female Empowerment page 20*
- *Yukon's Safe and Caring Schools Policy – 'roles and responsibilities'*





Key messages

Policy statements sets out the government's decisions about how it will address a policy problem.

Every policy statement is different but have common features:

- description of the policy problem and justification for policy
- description of the policy development process
- the overall policy context/framework
- definitions and scope
- vision and principles
- goals, objectives and strategies
- responsibilities; and
- review, monitoring and evaluation.





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Questions/Comments



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What's Next?

National Solid Waste Management Policy for the Republic of Maldives



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The National Solid Waste Management Policy has been prepared to reflect the current status of solid waste management in Maldives, the results of research, and the initiatives that are already in the process of being implemented. For this we must thank all stakeholders from the private and public sectors, and from island communities who participate in the development of the Policy concepts and/ or who provided much appreciated and valued feedback during consultation. Their engagement was genuinely felt to be positive and injected enormous confidence into the process. Their contribution was significant, and one that helped greatly in the shaping of the vision, policy objectives and strategies.

Ministers Foreword

It has been over three years since the "Barriers Report" on waste management was released. The report is the first to recognise the need for a consolidated and standalone National Solid Waste Management Policy for the Maldives. The policy document itself has taken more than a year to develop and is the culmination of a number of activities in the sector undertaken over the past 18 months by the Environment Research Centre on behalf of the Ministry of Environment, Energy and Water.

I am pleased to note that during the development of the Policy document, a systematic process of collecting information, research and consultation was undertaken involving not only Government, but also community and private sector stakeholders. The vision of the Policy is therefore, a true and accurate reflection of what we in the Maldives wants to achieve with respect to waste management in the Maldives.

The Policy objectives are broad ranging, as they must be if we are to realise our shared Vision, and deal with many diverse aspects of waste management from governance through awareness and behaviour. Many of the Strategies proposed to deliver the Policy Objectives will require us all to rethink, not only on present behaviour, but also our perception that all share the responsibility for waste management. It is clear this responsibility extends to those who manufacture, import and retail products as well as those who consume these products most of which are ultimately discarded as waste. We must also inculcate new ways and behaviour through which we can reuse some of the waste for useful purposes. This Policy and related programmes aims to reduce, reuse and recycle waste as a key element.

The National Solid Waste Management Policy is a significant step in the right direction and there is still much to do in the coming years. Guided by President Maumoon Abdul Gayoom's continued leadership and commitment to environmental protection and sustainable development, it is a priority of the Government to develop a good waste management system through providing policy, participation and coordination. The Objectives of this Policy and priority can be achieved through our collective commitment and participation. The Vision for waste management applies to all people and communities, Government, institutions, and industrial and commercial enterprises in the country. Accordingly, all sectors over the coming years will be required to participate and contribute to the development and implementation of the waste management policies and strategies.

I am confident that the robust and measured debate, enthusiasm and commitment in developing this policy during the consultation process will carry forward to the implementation stages. I would like to express my deep gratitude to the respective Ministries and Departments, Donors and Agencies, NGOs community and everyone for their contribution to this task. Special-

thanks to Minister of Planning and National Development Hon. Hamdhoon Hameed, Minister of Finance and Treasury Hon. Gasim Ibrahim, Minister of Foreign Affairs Hon. Abdullah Shahid, Minister of Atolls Development Hon. Thasmeen Ali, Minister of Housing and Urban Development Ibrahim Rafeeg, Minister of Construction and Public Infrastructure Hon. Mauroof Jameel, Minister of Home Affairs Hon. Abdullah Kamaluddeen, United Nations Development Program (UNDP), The Australian and Canadian Red Cross, UNEP for their valuable support and contribution in strengthening the Waste Management Sector in the Maldives . I am also grateful to Assistant Director General Ahmed Saleem and dedicated officials of the Environment Research Centre and staff of the Ministry of Environment, Energy and Water. We look forward to working with all sectors and stakeholders for the sustainable development of waste management. I believe that with the guidance of this Policy Framework, and support and cooperation of all, we will achieve our goals and targets in waste management in our beautiful country blessed with some of the rare ecosystems in the world.

20 January 2008

Ahmed Abdullah
Minister of Environment, Energy and Water

STEPS IN THE PREPARATION OF THE POLICY



The National Solid Waste Management Policy has been developed after an intensive process of research, reflection and consultation.

Initial Research

Initial research on the current situation on solid waste management practices was conducted, based on a literature review and site visits involving consultative meetings with the key stakeholders in waste management and an appraisal of the current practices and infrastructure.

Identification of key issues and options

From the findings of the initial research, site visits and stakeholder consultations, an issues and options paper was prepared. The issues and options paper took the current initiatives into account and highlighted the deficiencies and areas of weakness in the current waste management system.

The Issues and Options paper proposed a logical philosophical structure for the policy which would include policy statements and strategies to address the issues ordered in the following five principal objectives areas:

- establishing and activating waste management governance;
- creating waste producers' duties;
- establishing the waste management infrastructure;
- activating the waste management system; and
- influencing consumer choices and waste management practices.

Consultation Workshops

National consultation on the issues and options was conducted, to identify the most workable and acceptable ways to take the policy forward in the Maldives. The consultation included the major government and industry stakeholders as well as the island communities. Workshops were held in Male, Kulhuduffushi, M. Muli and S. Hithaddoo. The consultation produced lively discussions about the issues and options and showed positive support for improving the solid waste management system. The consultation endorsed the general principles proposed in the Issues and Options paper. The workshops also advanced some new ideas about how the policy should be taken forward and brought some existing concepts into sharper focus

Consultation on the drafts

A preliminary draft of the Policy based on the above methodology was prepared for review and comment with all stakeholders who had participated in concept preparation and consultation. The comments of the

NATIONAL SOLID WASTE MANAGEMENT VISION AND TARGETS



This Solid Waste Management Policy has been developed by the Government in consultation with the community as a shared National vision. It applies to all people and to all community, government, institutions, industrial and commercial activities undertaken in the Maldives. This policy will be applied as a means of protecting the environment and improving living conditions in the Maldives.

Our Vision

We recognize that a national approach to waste management in the Maldives has been lacking. The lack of a national approach has resulted in inequity in governance and resources both in terms of capacity and infrastructure. We recognize that there has been a lack of leadership for waste management in the Maldives and that this has resulted from an absence of clearly defined roles and responsibilities for waste management, not just at National level but also at regional, atoll and island level. We also recognize that there has not been adequate provision given to waste awareness, incentives to encourage positive waste management behavior and enforcement of punitive measures to dissuade negative waste management behavior.

Our vision for the future is to build on the initiatives already in place and methodically advance the development and implementation of additional initiatives that will ensure greater equity in access to waste management infrastructure and stronger administrative capacity across the Maldives. We will prioritize initiatives that will reduce the rate at which wastes are being produced by encouraging waste recycling, reuse and influencing consumer preferences. For the waste that we continue to produce we will ensure that waste disposal options selected are those which provide the maximum environmental, economic and social benefit to our communities.

Our community will become aware and actively engaged in good waste management practices by participating in waste awareness programs and in waste management planning processes at island, atoll, regional and national level. We will all begin to take responsibility for the waste we produce which may include changing our behavior in ways that will help reduce waste or by contributing towards the cost of maintaining waste management systems that ensure the wastes we produce are collected, transported and disposed of in an appropriate manner.

Our first steps will be to create the basic framework and build our administrative capacity. Our administrative and regulatory framework will be structured with clear roles and responsibilities. Robust private sector participation in the delivery of waste services will be supported within this framework by establishing transparent and accountable bidding and operational arrangements.

Our medium term goals are to implement information and awareness programs to help our communities to understand, appreciate and take responsibility for the waste we produce.

Our longer-term goals are to build a system of strong and efficient waste management infrastructure, to fully fund waste management services and to move waste management forward in the Maldives with strong private sector participation.

Our targets

We are adopting targets for waste reduction, recycling and recovery to ensure progress is made toward achieving our vision. The primary targets set out the major goals. Secondary targets set out interim and supporting measures, or actions which relate to particular stakeholders or waste streams. Secondary targets are intended to facilitate a flexible approach in the roles the Government, community and private sector take in reaching the primary target.

Primary targets

The estimated quantity of solid wastes generated in our country will increase by 30% over the next 5 years from 248,000 tonnes in 2007 to 324,000 tonnes in 2012. By 2012 our target is to reduce the 2012 figure by 25% through recycling, reuse and influencing consumer preferences.

Secondary targets

- Develop a national waste awareness program and deliver at least 5 waste awareness campaigns at National, sectoral and community level. The campaigns will include messages about reducing, reusing, recycling, good waste management practice and producer responsibilities.
- Construct island waste management centres and provide equipment that will enable communities to process and manage reusable and recyclable waste materials on all islands with a population greater than 1000 persons.
- 90% of all inhabited islands to have developed island waste management plans which will include information on how island communities propose to operate and manage the island waste management centres and equipment to process and manage reusable and recyclable materials they produce;
- All Atolls and at least 10 government Ministries to have developed Waste Management Plans that will include information on how they propose to reduce, reuse and recycle the wastes they produce.
- 80% of all health care facilities to adhere to minimum standards for health care waste management.
- Develop an income based approach to national recycling that will encourage greater private sector participation in reclaiming major recyclable components of the household and commercial waste streams.
- Establish a framework for Extended Producer Responsibility where manufacturers, importers and retailers are required to support product return, collection and recovery systems or other product stewardship programs.



NATIONAL SOLID WASTE MANAGEMENT POLICY



DEFINITIONS

For the purposes of this policy -

- 'Waste'** : means any substance or thing that is no longer of use, irrespective of value, and a holder discards or intends to discard from industrial, commercial, domestic, individual and/or community activity. A waste can be solid, liquid or gaseous.
- 'Commercial waste'** : means waste from premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation, education or entertainment but does not include household, agricultural or industrial waste.
- 'Industrial waste'** : includes waste produced or arising from manufacturing or industrial activities or processes.
- 'Special wastes'** : are wastes that should not be managed within the mainstream waste management system by virtue of the hazards they pose or the value they may contribute. Special waste may include but are not limited to the following:
- **'Waste Electronic and Electrical Equipment' (WEEE)** - includes all waste goods that operate on electric power (including by battery).
 - **'Hazardous waste'** - is defined in the Basel Convention. It includes corrosive, toxic, reactive, carcinogenic, infectious, irritant or otherwise harmful to health or to the environment, such as pesticides, herbicides, paints, medicines, oils, batteries and solvents.
 - **'MARPOL waste'** - means garbage from ships operating in marine waters both internationally and domestically as dealt with under Annex V and Amendment 73/78 of the MARPOL Convention. The Convention also covers harmful substances that may include garbage from ships.
 - **'Health care and related waste'** - is any waste from medical, nursing, dental, veterinary, pharmaceutical or other similar practices, treatment, care, teaching or research, which contains human or animal tissue, blood, bodily fluids, excretions, pharmaceutical products, or used swabs, dressings, syringes, needles or sharp objects and therapeutic and diagnostic nuclear isotopes.
 - **'Construction and building waste'** - is the waste derived from construction and demolition, but does not include hazardous wastes such as asbestos or lead.

PRINCIPLES

The following principles create the underlying logical and philosophical structure of the policy. They also represent universally accepted practices in waste management.

Strategic Principles :

- **Polluter pays principle** - means that polluters should bear the full costs of any measures required to protect the environment as a result of their actions. In waste management terms, this means that waste generators should pay the full costs of providing services to manage their wastes. The polluter pays principle can be applied through (i) user pays services, where the waste generator pays for the services used to collect, transport, treat and dispose of wastes produced or through (ii) extended producer responsibility where manufactures, packers, importers and retailers are required to establish and support product return, collection and recovery systems or other product stewardship programs.
- **Integrated solid waste management** – No single approach is capable of solving the mounting waste crisis due to the diversity of waste stream components, the disparities in available capital and infrastructure, and the wide variety of, geographical and demographic conditions in the Maldives. Integrated solid waste management requires consideration be given to a number of alternative waste disposal methods that, if combined and operated in a complementary manner, can work in a way that best meets local needs.
- **Waste management hierarchy** - The hierarchy indicates the relative priority of different methods of managing waste, and provides instruction to waste management policy and planning initiatives on how to progress towards more sustainable waste management practices. The first priority for more sustainable waste management is waste reduction. Some wastes may be avoided completely, while in other cases they can be minimised. After reduction comes reuse, that is putting objects back into use so that entry into the waste stream is delayed or avoided. The third level of the waste hierarchy is recycling, which means reprocessing materials back into new raw materials and products. Energy recovery means to gain value from waste products by converting them into energy. The major method used is incineration with energy recovery (EfW), although other technologies are available. Waste disposal comes at the bottom of the hierarchy and is the least desirable waste management option. The priority for waste disposal is to ensure that it is carried out to a high standard of environmental performance to make it as sustainable as possible.
- **Best Practical Environmental Option (BPEO)** - BPEO entails a systematic and balanced assessment of a range of different waste disposal options, in order to identify the option which provides the maximum environmental, economic and social benefits. A BPEO analysis involves a process of identifying viable scenarios for waste management, followed by a process of performance assessing against a number of decision criteria such as environment, feasibility and cost, in order to determine which scenario is the Best Practical Environmental Option.
- **Best Available Technology Not Entailing Excessive Costs (BATNEEC)** - is a principle used to judge the selection of a technology which is considered to be the best at preventing pollution, whilst at the same time being reasonable to implement in financial terms. BATNEEC is typically applied once the BPEO has been determined; for example in choosing which of a range of possible pollution control technologies should be installed at a waste facility.

- **Equity** - Waste management interventions have the potential to impact positively or negatively on society at a local and national level and can result in different winners and losers. The Social Equity principle is used to gauge the fairness in the distribution of costs and benefits, and the application criteria and decision-making processes irrespective of geographic location, gender, age etc.
- **Proximity principle** - waste will be disposed of or otherwise managed as close as possible to the geographic location where it is produced.
- **Private Sector Participation** - will be maximised wherever this is financially feasible for both the Government and the private sector, as a mechanism to deliver sustainable waste services and to introduce private sector financing into the waste management system.



Solid Waste Management Governance Principles:

- **Decision-making** - will be transparent and based on verifiable information, taking into account short term and long term impacts on the environment and community.
- **Institutional functions** - where possible, the Government will assume the role of facilitator and administrator of the waste management system and will minimise its role as service provider in favour of the private sector undertaking this function.
- **Island, Regional and Central Administrations** - will be allocated roles within the waste management system to maximise system efficiency and to facilitate the mobilisation of the entire community in sound waste management.
- **The Government leads the way** - Government agencies will act as role models to the Nation for sound waste management practices.
- **Capacity** - every waste administration will have the capacity to discharge its responsibilities.
- **Community engagement** - will be an integral part of the decision-making processes and of the implementation of the waste management system.
- **Flexibility** - will be encouraged to enable communities to develop their own optimal waste management solutions within the waste management system.
- **Incentives and disincentives** - will be applied to influence waste management behaviour.



ESTABLISHING AND ACTIVATING WASTE MANAGEMENT GOVERNANCE



POLICY 1 - ESTABLISH A GOVERNANCE STRUCTURE FOR SOLID WASTE MANAGEMENT WHICH WILL DISTRIBUTE CLEARLY DELINEATED ROLES AND RESPONSIBILITIES FOR SOLID WASTE MANAGEMENT AT ISLAND, REGION AND NATIONAL LEVELS WILL BE ESTABLISHED

Currently roles and responsibilities for leadership in waste management are split across a number of Government Ministries at the National level. As the standards, expectations and approaches differ between the Ministries mandated with roles and responsibilities for waste management there is little opportunity to develop a coordinated approach which takes account of responsibilities that may lie at regional and community level. To reverse this, the Government of Maldives will consolidate the roles and responsibilities for waste management at the National level and some governance functions will be allocated to levels closer to the community in order to maximise opportunities to engage the community about responsibility for the management of wastes they produce. Waste service delivery will also be separated from the planning and coordination functions of government in order to open up opportunities for private sector involvement and to focus government on facilitating and supporting waste management services.

STRATEGY 1.1 - Establish the following waste management administrations, delegate powers and mandate functions to administer the waste management systems:

- **The Central Waste Administration** – the Central Waste Administration will plan, regulate, co-ordinate and monitor the national waste management system, administer nationally-based waste management programs (such as for hazardous wastes, product stewardship etc), administer complex private sector participation, provide advice, guidance and capacity development assistance to the other levels of Government to enable them to perform their functions, and create an inspectorate to advise on and enforce the law.
- **Island Waste Administration** - each Island Waste Administration will be responsible for developing island based waste management plans, implementing operational policies and guidelines and complying with regulations. They will administer local arrangements for waste collection, Island Waste Management Centre operations, fee collection, simple private sector participation and co-ordinating waste transfer activities with the Atoll Administration, Regional Waste Administration and/or private sector contractor.
- **Regional/Atoll Waste Administration** - where a regional waste catchment area has been created, the Regional/Atoll Waste Administration will be responsible for developing regional waste management plans, implementing operational policies and guidelines and

complying with legislation of the Central Waste Administration. The regional Atoll waste administration will coordinate with the Island Waste Administrations and the atoll authorities within its catchment and administer arrangements for the operation of the regional Waste Management Facility.

STRATEGY 1.2 - Support the development of the capacity of waste administrations, so that they have the capacity to perform their functions under this Policy, through training, the preparation of operational policies and guidelines and by providing, where feasible to do so, financial assistance.:

CREATING WASTE PRODUCERS' DUTIES



POLICY 2 - ALL WASTE PRODUCERS HAVE A DUTY TO MANAGE THE WASTES THEY GENERATE

Poor waste management practice is an issue for the entire Maldivian community because it can have an impact on health, environment and economic well-being. Individuals, Government Agencies and their institutions, commercial and industrial enterprises, communities and organizations have a responsibility for the waste they generate and a duty to manage those wastes in accordance with agreed plans, operational policies and strategies.

STRATEGY 2.1 - Government Agencies will participate in the development of waste management plans that will include information on how they propose to reduce, reuse and recycle wastes and/or how they propose to dispose of waste that they produce. These Agencies will set an example to the rest of the Maldives for excellence in the management of the wastes they produce.

STRATEGY 2.2 - Individuals and householders will participate in the development of island waste management plans which will include information on how island communities propose to operate and manage Island Waste Management Centres and equipment, and how they propose to manage the reusable and recyclable wastes materials they produce. Individuals and householders will, as far as possible, contribute to the costs of providing the services used to collect, transport, treat and dispose of the wastes they generate.

STRATEGY 2.3 - Commercial enterprises will participate in the development of sector based waste management plans which will include information on how they propose to reduce, reuse and recycle waste materials they produce. Commercial enterprises will pay the full costs of providing the services used to collect, transport, treat and dispose of wastes they generate.



STRATEGY 2.4 - Product manufacturers, importers and retailers will participate in the development of sector based waste management plans which will include information on how they propose to reduce, reuse and recycle waste materials they produce. They will pay the full costs of providing the services used to collect, transport, treat and dispose of wastes they generate. They will also participate in extended producer responsibility programs to support product return, and recovery systems, product stewardship schemes, and/ or minimisation/ phase out schemes of products/packaging that generate waste of that can not effectively be recovered, recycled or reused.



ESTABLISHING THE WASTE MANAGEMENT INFRASTRUCTURE



POLICY 3 - WASTES WILL BE MANAGED AND DISPOSED AS CLOSE AS POSSIBLE TO THE PLACE OF THEIR GENERATION.

The development of Island Waste Management Centres and Regional Waste Management Facilities are the keystones of the waste management system in the Maldives. They both enable wastes to be managed and disposed as close as possible to the place of their generation. They will apply the waste management hierarchy by making it possible to segregate wastes and minimise the quantities that leave the island for final disposal. The polluter pays principle will ensure that they will be financially viable.

STRATEGY 3.1 - Construct Island Waste Management Centres on all inhabited islands with a population of 1000 or more and ensure, as far as practicable, that the centres are equipped to enable the island communities to reuse and recycle the wastes they produce. For islands with populations less than 1000, provide equipment and protocols appropriate for the management of the waste volumes produced.

STRATEGY 3.2 - Develop and construct Regional Waste Management Facilities. The sites will be selected after consideration of environmental and social impacts. The most appropriate waste storage, processing and/or disposal technology solution will be selected using the Best Practical Environmental Option approach. Regional Waste Management Facilities will include facilities for the management and disposal of special wastes as appropriate.

STRATEGY 3.3 - Explore the future of the existing landfill facilities including arrangements and responsibilities for remediation, closure or upgrade.

STRATEGY 3.4 - Provide sorting infrastructure and equipment at island regional level to support the reclamation of recyclable materials from the waste stream and develop a national recycling strategy which will guide the development of a National recycling industry.

POLICY 4 - THE WASTE MANAGEMENT SYSTEM WILL ACCOMMODATE THE SPECIFIC REQUIREMENTS OF SPECIAL WASTES.

Currently Maldives lacks systems and procedures for the management and disposal of special wastes. For some special waste categories, pre treatment by the producer may enable the waste to enter the mainstream transport and disposal system, in other cases, pre treatment to a standard that will enable the waste to enter the mainstream waste system may not be possible. In such cases specific arrangement will need to be put in place to allow for the safe handling and disposal of such wastes.

STRATEGY 4.1 - The producers of hazardous wastes, MARPOL wastes and WEEE retain primary responsibility for the safe collection, handling and disposal of the wastes they generate. The Central Waste Administration will develop a system for the management and disposal of hazardous wastes, MARPOL wastes and WEEE, assist and facilitate these wastes' producers to develop and implement operational policies, guidelines and standard operating procedures, and explore the feasibility of engaging private sector participation in the delivery of waste management services for such wastes.

STRATEGY 4.2 - The producers of health care and related wastes retain primary responsibility for the safe collection, handling and disposal of the wastes they generate. The Central Waste Administration will assist and facilitate health care waste producers to develop and implement operational policies, guidelines and standard operating procedures for health care and related wastes, including those wastes which cannot enter in to the mainstream waste system.

STRATEGY 4.3 - Develop guidelines for the reuse and recycling of construction and building wastes.

POLICY 5 - WASTE MANAGEMENT PLANNING WILL BE BASED ON VERIFIABLE FACTS AND KNOWN EFFECTIVE STRATEGIES.

Information enables transparency and accountability and enables the waste administrations to make strategic decisions based on verifiable facts. Gathering information about the quantities and types of wastes generated in the country is critical to future waste management planning and review. It is also an effective means to track the movement of waste to ensure that it is managed and disposed of properly.

STRATEGY 5.1 - Develop a database that generates information about the types and quantities of wastes, and provides details of their transport, treatment and final disposal location. The information from the database will be used to monitor progress towards achieving waste reduction targets and to review and set future waste-related targets. Information from the data base will be made publicly available.

STRATEGY 5.2 - Develop operational policies requiring Islands Waste Administrations, waste transporters, specified waste producers and waste management facilities to supply information to the database. Government agencies, commercial and industrial enterprises, islands and the private sector waste service providers will be encouraged to access the data when developing waste management plans or making decisions about waste management.

ACTIVATING THE WASTE MANAGEMENT SYSTEM



POLICY 6 - THE WASTE MANAGEMENT SYSTEM WILL BE FINANCIALLY VIABLE.

The waste management system should not suffer from financial incapacity as this will compromise its ability to manage wastes effectively. Taking into account equity and capacity to pay issues, the polluter pays principle will be activated to secure the financial viability of the system. This will also create the conditions for the entry of the private sector into the delivery of waste management services.

STRATEGY 6.1 - Establish a user pays system where waste producers will pay for the total cost (including a government contribution) for the services used to collect, transport, treat and dispose of wastes generated. The cost to manage household, municipal, industrial, commercial and institutional waste will be calculated taking into account the true cost of providing the waste services and the capacity of the waste generators to pay.

STRATEGY 6.2 - Establish a framework for Extended Producer Responsibility where manufacturers, importers and retailers are required to support product return, collection and recovery systems or other product stewardship programs.

STRATEGY 6.3 - Establish a dedicated fund to support waste management initiatives. The fund will enable contributions to be made under extended producer responsibility programs as well as from import taxes imposed on products and materials which when become waste can not be reclaimed or are hazardous.

POLICY 7 - CONSOLIDATED LEGISLATION WILL BE INTRODUCES TO SUPPORT THE IMPLEMENTATION OF THIS POLICY

Legislation is necessary to give legal effect to the policy and to provide clarity, consistency and transparency within a comprehensive body of laws. Participants of the consultative process consistently requested this legislation to be strong.

STRATEGY 7.1 - Review current legislative mandates for waste management in the Maldives and develop consolidated legislation that will support the implementation of the National Solid Waste Management Policy, including facilitating private sector participation, ensuring transparent decision-making, and enabling regulatory enforcement.

STRATEGY 7.2 - Review commitments made by the Government of the Republic of Maldives to International Conventions, Protocols and obligations relating to solid waste management and, where required, develop enabling mechanism so that they have legal force in the Maldives.

POLICY 8 - PRIVATE SECTOR PARTICIPATION (PSP) WILL BE FACILITATED WHERE IT IS FINANCIALLY VIABLE FOR BOTH THE GOVERNMENT AND THE PRIVATE SECTOR.

Greater involvement of the private sector in waste management will generate business and employment opportunities. The private sector has the capacity to bring additional and much-needed finances to the waste management system. For PSP to be effective it must be well planned, managed and administered transparently.

STRATEGY 8.1 - Identify the types of businesses that the private sector could become involved with and encouraged private sector participation in providing waste management services that are necessary and where there is opportunity to create viable and profitable businesses.

STRATEGY 8.2 - Develop and establish the forms of Private Sector Participation to be employed, and the procedures and administrative arrangements necessary to implement participation of the private sector in waste management in the Maldives.



INFLUENCING CONSUMER CHOICES AND WASTE MANAGEMENT PRACTICES



POLICY 9 - FINANCIAL INCENTIVES AND DISINCENTIVES WILL BE PURSUED TO SUPPORT GOOD WASTE MANAGEMENT PRACTICES

Fiscal incentives and disincentives are extremely effective as a means to discourage the purchase of goods of significant waste concern and to reverse poor waste management behaviour

STRATEGY 9.1 - The polluter pays principle will be applied as far as practicable as a direct cost on waste producers through the user pays systems and on manufacturers, importers and retailers through the extended producer responsibility initiatives and product stewardship schemes. The polluter pays principle will be introduced in order to encourage waste reduction across all sectors of Maldivian society.

STRATEGY 9.2 - Created incentives and disincentives through the import duties system. The dedicated waste management fund will target revenues from import taxes imposed on products and materials which, when they become waste, can not be reclaimed or are hazardous.

POLICY 10 - GOODS THAT ARE HARMFUL TO THE ENVIRONMENT OR CAUSE PUBLIC NUISANCES AND UNACCEPTABLE WASTE ACTIVITIES WILL BE DISCOURAGED

Certain goods are harmful to human health and the environment or cause a public nuisance because when they become waste they cannot be safely reused, recycled or disposed of. The importation of these goods should be discouraged. Certain activities also harmful to human health and the environment or cause a public nuisance. These activities should be discouraged.

STRATEGY 10.1 - Prohibit the importation of non-biodegradable plastic bags and develop the facility to ban further importation of other wastes for which there is little or no opportunity to recover or recycle.

STRATEGY 10.2 - Prohibit activities such as dumping waste and littering and introduce a licensing system that prohibits certain activities such as collecting, transporting and disposing of special wastes except under license.

STRATEGY 10.3 - Create an inspectorate within the Central Waste Administration to advise and enforce legislative provisions relating to the import of prohibited goods and unacceptable waste activities.

POLICY 11 - THE COMMUNITY PARTICIPATION IN AND AWARENESS ABOUT GOOD WASTE MANAGEMENT PRACTICES WILL BE MAXIMISED

Awareness raising is central to the success of the waste management system. All waste producers must appreciate the negative impact of poor waste practices and the benefits of good waste management practices. Awareness mobilises the community, enhances voluntary compliance and community engagement within the system.

STRATEGY 11.1 - Develop a National Waste Awareness Program targeting the community, formal and informal education sectors, the media, commercial and industrial enterprises and Government agencies. The Awareness Program will include messages about reduce, reuse, recycle good waste management practice, consumer preferences and producer responsibility for the waste s they produce.

STRATEGY 11.2 - Develop and deliver waste awareness and training campaigns that engage and inform the community, formal and informal education sectors, the media, commercial and industrial enterprises and Government agencies about the waste management system and good waste management practices for the wastes they produce.

STRATEGY 11.3 - Deliver national campaigns to engage and inform the community and special waste producers about safe handling and good waste management practice for the treatment and disposal of special wastes.





Environment Research Centre
Ministry of Environment, Energy and Water
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The HELCOM Baltic Sea Action Plan

Summary

The HELCOM Baltic Sea Action Plan is an ambitious programme to restore the good ecological status of the Baltic marine environment by 2021. The new strategy is a crucial stepping stone for wider and more efficient actions to combat the continuing deterioration of the marine environment resulting from human activities. With the adoption of the new environmental strategy, HELCOM will continue its long record of respected leadership in marine environmental protection, incorporating the latest scientific knowledge and innovative management approaches into strategic policy implementation, and stimulating even closer, goal-oriented multilateral co-operation around the Baltic Sea region. As one of the first schemes to implement the ecosystem approach to the management of human activities, which was defined in the 1992 Rio Declaration and reiterated at the 2002 World Summit on Sustainable Development in Johannesburg, the action plan will lead to profound, innovative changes in the ways we manage the environment in the Baltic Sea region.

Main challenges

The Baltic Sea Action Plan addresses all the major environmental problems affecting the Baltic marine environment. The environmental situation in the Baltic Sea has drastically changed over recent decades. Human activities both on the sea and throughout its catchment area are placing rapidly increasing pressure on marine ecosystems. Of the many environmental challenges, the most serious and difficult to tackle with conventional approaches is the continuing eutrophication of the Baltic Sea. Inputs of hazardous substances also affect the biodiversity of the Baltic Sea and the potential for its sustainable use. Clear indicators of this situation include problems with algal blooms, dead sea-beds, and depletion of fish stocks. Such problems call for immediate wide-scale action to put an end to the further destruction of the Baltic Sea environment and to avoid an irreversible disaster. Failure to react now would undermine both the prospects for the future recovery of the sea and its capability to react to the projected stress by the climate change. Furthermore, inaction will affect vital resources for the future economic prosperity of the whole region and would cost tenfold more than the cost of action.

Previous efforts and the need for new approaches

Previous HELCOM efforts to reduce pollution and repair the damage to the marine environment have led to noticeable improvements in many areas, enabling people to bathe on beaches that were once polluted, and helping endangered wildlife populations to recover. But there is still a lot left to do, as many of the Baltic's environmental problems are proving difficult to solve, and it could take several decades for the marine environment to recover. For example, concerning inputs of nutrients which are responsible for eutrophication, HELCOM has already achieved a 40% reduction in nitrogen and phosphorus discharges (from sources in the catchment area) and likewise a 40% decrease as regards emissions of nitrogen to the air, as well as halved the total discharges of about 50 hazardous substances. But in order to achieve "clear water", which is one of the main objectives of the HELCOM Baltic Sea Action Plan, phosphorous and nitrogen inputs to the Baltic Sea must be further cut by about 42% and 18%, respectively.

However, further progress cannot be achieved using only the old administrative measures of equal reductions in pollution loads. A completely different approach and new tailor-made actions are required to reach the goal of good ecological status. Moreover, the remaining

challenges are more difficult than earlier obstacles. Reductions in nutrient inputs have so far mainly been achieved through improvements at major point sources, such as sewage treatment plants and industrial wastewater outlets. Achieving further reductions will be a tougher task, requiring actions to address diffuse sources of nutrients such as run-off from over-fertilised agricultural lands.

A plan based on Ecological Objectives

The new plan, which HELCOM has been drafting since 2005, is radically different from any other plan or programme previously undertaken by HELCOM. The innovative approach is that the plan is based on a clear set of 'ecological objectives' defined to reflect a jointly agreed vision of 'a healthy marine environment, with diverse biological components functioning in balance, resulting in a good ecological status and supporting a wide range of sustainable human activities'. Example objectives include clear water, an end to excessive algal blooms, and viable populations of species. Targets for 'good ecological status' are based on the best available scientific knowledge. The timeframe for reaching these targets is a political decision. With the application of the ecosystem approach, the protection of the marine environment is no longer seen as an event-driven pollution reduction approach to be taken sector-by-sector. Instead, the starting point is the ecosystem itself, and a shared concept of a healthy sea with a good ecological status. This vision will determine the need for further reductions in pollution loads, as well as the extents of various human activities.

The cross-sectoral plan identifies the specific actions needed to achieve agreed targets within a given timeframe for the main environmental priorities: combating eutrophication, curbing inputs of hazardous substances, ensuring maritime safety and response capacity to accidents at sea, and halting habitat destruction and the ongoing decline in biodiversity. The action plan distinguishes between measures that can be implemented at regional or national level, and measures that can only be implemented at EU level (e.g. Common Fisheries Policy, Common Agricultural Policy, controls over the marketing and use of chemicals) or globally (e.g. the shipping controls defined by the International Maritime Organization).

Stakeholder participation

Another highlight of the elaboration of the HELCOM Baltic Sea Action Plan has been the active participation of all major stakeholder groups in the region. Such participation ensures that the plan is truly relevant and can be effectively implemented in practice. The choices that we make reflect the choices of society as a whole. For this reason, the common vision of the healthy Baltic Sea has been defined together with all participating stakeholders – from governments, through industry and NGOs, right down to individual citizens, including older and younger generations, and organisations in both the private and the public sectors. In this way the plan promotes employment and other aspects of sustainable socio-economic development, as well as ecological sustainability and a healthy environment.

A pilot area for other European seas

The concept of the HELCOM Baltic Sea Action Plan has already been widely supported by politicians at various forums, and heralded as a pilot project for European seas in the context of the proposed EU Marine Strategy Directive. The European Community has described HELCOM's plan as a cornerstone for further action in the Baltic Sea region, emphasising that the plan is instrumental to the successful implementation of the proposed EU Marine Strategy Directive in the region.

The proposed EU Marine Strategy Directive foresees such an action plan for each eco-region, including the Baltic. HELCOM is in a unique position to deliver this already, given its embracing of all the countries in the Baltic Sea catchment area. HELCOM is also in a unique position to ensure that the special characteristics of the Baltic Sea are fully accounted for in European policies.

As a pioneer in the application of the ecosystem approach, the innovative HELCOM action plan will also serve as a model example to be followed by the Regional Seas Conventions and Action Plans under the auspices of the United Nations Environmental Programme Regional Seas Programme.

In developing the action plan, HELCOM has taken into account the environmental provisions of the Maritime Doctrine of the Russian Federation. Close co-operation with Russia, which is the only HELCOM country outside the EU in the Baltic Sea region, is crucial for any further progress to be made in rescuing the troubled Baltic marine environment. HELCOM's innovative strategy is also instrumental to the implementation of the renewed Northern Dimension policy, the Baltic Sea regional aspects of the EU-Russian Environmental Dialogue, the Nordic Environmental Action Plan, and the European Maritime Policy. But first and foremost, the HELCOM action plan is considered a joint regional policy, with common objectives, actions, and obligations. The future success of the plan largely depends on how all the coastal countries can co-operate to achieve the goal of a healthy Baltic marine environment.

Overview of the four main segments of the HELCOM Baltic Sea Action Plan, detailing goals, objectives, and actions

1. Towards a Baltic Sea unaffected by eutrophication

Eutrophication is a major problem in the Baltic Sea, caused by excessive inputs of nitrogen and phosphorous which mainly originate from inadequately treated sewage, agricultural run-off and airborne emissions from shipping and combustion processes. Eutrophication leads to problems such as intensified algal blooms, murky water, oxygen depletion and lifeless sea bottoms.

The plan's objectives for eutrophication include: concentrations of nutrients close to natural levels, clear water, natural levels of algal blooms, natural oxygen levels, and natural distributions and abundance of plants and animals.

HELCOM has estimated that for good environmental status to be achieved, the maximum allowable annual nutrient pollution inputs into the Baltic Sea would be 21,000 tonnes of phosphorus and about 600,000 tonnes of nitrogen. Over the period 1997-2003, average annual inputs amounted to 36,000 tonnes of phosphorus and 737,000 tonnes of nitrogen, therefore, annual reductions of some 15,000 tonnes of phosphorus and 135,000 tonnes of nitrogen would be required to reach to achieve the plan's crucial "clear water" objective. The action plan duly proposes provisional country-wise annual nutrient input reduction targets for both nitrogen and phosphorus (see table below).

	Phosphorus (tonnes)	Nitrogen (tonnes)
Denmark	16	17,210
Estonia	220	900
Finland	150	1,200
Germany	240	5,620
Latvia	300	2,560
Lithuania	880	11,750
Poland	8,760	62,400
Russia	2,500	6,970
Sweden	290	20,780
Transboundary Common pool	1,660	3,780

*Non-HELCOM countries

To reach these reduction targets, the Baltic Sea countries will:

- develop national programmes, by 2010, designed to achieve the required reductions. Each country will be given enough flexibility to choose the most cost-effective measures, which can also be incorporated into River Basin Management Plans.
- implement specific measures to improve the treatment of wastewater, including increasing phosphorous removal from 80% to 90%, and substituting phosphorous in detergents. These measures alone will reduce phosphorus inputs into the Baltic by more than 7,000 tonnes, almost half of the total required reduction.
- implement measures to drastically reduce agricultural inputs, including changes in manure handling and fertilisation practices.

The main sources of funding for these actions include national budgets and EU structural funds, including the Cohesion Fund which aims to help new member countries implement EU Directives. Russia as a non-EU country will benefit from funding provided for high priority environmental projects through the EU Neighbourhood Program, bilateral agreements and the Northern Dimension Environmental Partnership fund.

The implementation of the action plan will also include the identification of individual pollution Hot Spots such as major animal farms, where actions should be prioritised. There will also be more stringent requirements for agriculture concerning environmental permits for livestock facilities and the spreading of manure as fertiliser.

The action plan also encourages the elaboration of bilateral and multilateral projects and programmes to reduce nutrient inputs using the most cost-efficient measures, particularly for addressing transboundary nutrient inputs from non-HELCOM countries. The plan recognises non-profit foundations and private companies as important contributors to the establishment of projects to reduce pollution to the Baltic Sea.

2. Towards a Baltic Sea undisturbed by hazardous substances

Hazardous substances include contaminants such as dioxins, PCBs, TBT, PFOS and heavy metals. Once released into the sea, hazardous substances can remain in the marine environment for very long periods and accumulate in the marine food web. Hazardous substances cause adverse effects in ecosystems, including health and reproductive problems in animals, especially top predators. Certain contaminants may be hazardous because of their effects on hormone and immune systems, as well as their toxicity, persistence and bio-accumulating properties. Some fish caught in the Baltic Sea, particularly herring and salmon, contain concentrations of hazardous substances that exceed maximum allowable levels for foodstuffs as defined by the EU.

HELCOM has already set a zero-emission target for all hazardous substances in the whole Baltic Sea catchment area by 2020.

The ecological objectives set out in the HELCOM Baltic Sea Action Plan are: to reach concentrations of hazardous substance close to natural levels, to ensure that all Baltic fish are safe to eat, to safeguard the health of wildlife, and to reach pre-Chernobyl levels of radioactivity.

The actions on hazardous substances in the action plan focus on nine organic hazardous substances and two heavy metals. These substances have been selected by HELCOM as being of specific concern in the Baltic marine environment. The actions focus on restricting and substituting the use of the selected substances in important sectors within an agreed timetable in the whole catchment area.

Under the plan, all the coastal countries will launch national programmes addressing hazardous substances. The countries will restrict uses of the selected hazardous substances and promote substitutions with less hazardous substances in industry and other sectors. There is also a need to define guidelines and build up the capacities of the relevant authorities and industries in order to increase awareness of how pollution involving hazardous substances can be eliminated.

The information currently available on inputs and sources of hazardous substances is not as extensive as for nutrients, so it is not yet possible to conduct a comprehensive assessment of the situation in the Baltic Sea. The HELCOM countries have therefore decided to work together to build up more information about the sources of the selected hazardous substances, the extent of their occurrence in the Baltic marine environment, as well as about their biological effects. This knowledge can then be used as a basis for identifying further actions.

3. Towards a Baltic Sea with environmentally friendly maritime activities

The Baltic Sea is one of the most intensely trafficked marine areas in the world. Both the numbers and the sizes of ships have grown in recent years, especially oil tankers, and this trend is expected to continue.

The Baltic's narrow straits and shallow waters, many of which are covered by ice for prolonged periods in winter, make navigation very challenging, and increase the risk of shipping accidents.

The main environmental effects of shipping and other activities at sea include air pollution, illegal deliberate and accidental discharges of oil, hazardous substances and other wastes, and the unintentional introduction of invasive alien organisms via ships' ballast water or hulls.

Shipping adds to the problem of eutrophication of the Baltic Sea with its nutrient inputs from sewage discharges and nitrogen oxides (NO_x) emissions. The Baltic Sea countries have resolved to act jointly within the International Maritime Organization (IMO) to apply stricter controls over these sources of nutrient pollution.

Firstly, the countries plan to propose an amendment to the 1973 International Convention for the Prevention of Pollution from Ships modified by Protocol of 1978 (MARPOL 73/78) to introduce standards for nutrients in sewage discharges from ships.

The HELCOM countries will also contribute to the ongoing revision of Annex VI of the MARPOL Convention, which deals with the prevention of air pollution from ships. The contribution will examine whether IMO proposals for a tightening of regulations on ships' NOx emissions are sufficient for the Baltic and if they facilitate the adoption of the most efficient measures.

The use of non-regulatory measures such as economic incentives to stimulate further reductions in emissions from ships is also envisaged in the plan.

The best way to reduce the risk of pollution accidents at sea is to increase the safety of navigation. Oil spills can destroy important marine and coastal habitats and have serious economic impacts on coastal communities. Much has already been done by HELCOM to enhance the safety of navigation. Future measures under the new action plan are related to the more effective use of the Automatic Identification System (AIS), which facilitates the exchange of information between ships, and between ships and shore stations. The countries will propose to IMO necessary improvements in the information content of AIS in order to enhance maritime safety, security and environmental protection.

The HELCOM countries will also work within IMO to speed up the introduction of a general requirement for ships to use Electronic Chart Display and Information System (ECDIS) instead of paper navigation charts. This improved system enables ships to display their own positions in real time. The use of ECDIS onboard ships in areas where coverage with official Electronic Navigational Charts (ENCs) is satisfactory - like in the Baltic - considerably reduces the risk of groundings.

In addition, the plan includes a new HELCOM Recommendation on further measures to improve the safety of navigation in icy conditions.

Another important part of the HELCOM action plan concerns the intensified enforcement of existing environmental regulations. The Baltic Sea countries will better utilise satellite surveillance to detect illegal discharges, as well as a newly developed detection system based on the HELCOM AIS, to identify non-compliant ships in the HELCOM area. The risk of a shipping accident will never be totally eliminated, so there is a need to ensure efficient emergency and response capabilities in the HELCOM countries. A new HELCOM Recommendation aims to strengthen existing sub-regional co-operation with regard to response to pollution accidents at sea. By 2013 all sub-regions of the Baltic Sea should be fully prepared to cope with medium-sized oil spills affecting and requiring response from more than one country. An adequate level of preparedness to respond to accidental pollution involving hazardous substances is to be achieved by 2016.

Increasing numbers of non-native species are being observed in seas all around the world, and the Baltic Sea is no exception. Shipping is the most important vector of unintentional species introductions into aquatic environments due to releases of ballast water and the fouling of hulls. The entry into force of the 2004 International Convention for Control and Management of Ships' Ballast Water and Sediments (BWM Convention) is the most important step towards combatting the spread of invasive non-native species. The HELCOM countries have agreed to ratify the BWM Convention by 2013. Measures included in a Road Map drawn up by HELCOM will be taken already before ratification to ensure this urgent issue is addressed as soon as possible.

4. Towards favourable conservation status of Baltic Sea biodiversity

Many human activities have impacts on biodiversity, and the biodiversity segment of the HELCOM Baltic Sea Action Plan aims to serve as an all encompassing element reflecting the performance of the whole plan. The goal of achieving a favourable conservation status for the biodiversity of the Baltic Sea cannot be reached without comprehensively considering human activities and carrying out decisive action in other segments of the plan.

Eutrophication and hazardous substances have strong impacts on biodiversity. Some species are directly threatened by overfishing or the destruction of their habitats by human activities such as dredging and construction along shores. Intensified shipping adds to existing environmental stress by potentially introducing invasive non-native species, minor oil spills, and the increasing probability of major oil spills that could be highly destructive for many species and habitats. Together with the predicted impacts of global warming, all of these pressures increasingly threaten the biodiversity of the Baltic Sea.

The biodiversity segment of the action plan aims to restore and maintain natural marine landscapes, thriving and balanced communities of animals and plants, as well as viable populations of species. Actions are focused on three cross-cutting issues to be addressed together with the relevant international authorities: marine spatial planning, long-term management plans for threatened species and habitats; and the promotion of research needed to fill in the information gaps that currently hamper the planning of further actions. In order to secure the sustainable use of marine resources by reducing conflicts and the adverse impacts of human activities, HELCOM will devise a set of principles for cross-sectoral marine spatial planning as well as test and apply tools to be further developed jointly with other international organisations. These principles and tools should be ready by 2012. One particularly important issue is the further development of an ecologically coherent network of marine protected areas around the Baltic Sea, including fisheries management measures to be applied in marine protected areas by 2010.

In order to enhance the balance between the sustainable use of marine natural resources and their protection, HELCOM will develop a model of good management of human activities for the Baltic Sea area. This will involve:

- developing, by 2012, long-term plans for protecting and sustainably managing the most threatened and declining species and habitats defined by HELCOM;
- further developing and implementing long-term management plans for commercially exploited fish stocks so that they remain within safe biological limits; preventing catches of non-target species and under-sized fish; and devising long-term plans for the monitoring, protection and sustainable management of coastal fish species. These actions will be carried out by the competent fisheries authorities in co-operation with the Baltic Sea Regional Advisory Council (RAC) and HELCOM, mainly by 2012.

HELCOM will promote further research planned to support the conservation of marine landscapes, habitats, communities and species. This work will involve:

- developing detailed landscape and habitat maps, especially for habitat-forming species
- updating HELCOM Red Lists of Baltic habitats/biotopes and biotope complexes, and producing a comprehensive HELCOM Red list of Baltic Sea species
- developing additional methods for the assessment of, and reporting on, the impacts of fisheries on biodiversity, including effective monitoring and reporting systems for by-catches of seabirds and marine mammals.

VISION

A healthy Baltic Sea environment, with diverse biological components functioning in balance, resulting in a good ecological status and supporting a wide range of sustainable human economic and social activities

GOALS

Baltic Sea unaffected by eutrophication

Baltic Sea life undisturbed by hazardous substances

Favourable conservation status of Baltic Sea biodiversity

Maritime activities in the Baltic Sea carried out in an environmentally friendly way

OBJECTIVES

Concentrations of nutrients close to natural levels

Concentrations of hazardous substances close to natural levels

Natural marine and coastal landscapes

**Enforcement of international regulations
-No illegal pollution**

Clear water

All fish safe to eat

Safe maritime traffic without accidental pollution

Efficient emergency and response capability

Natural level of algal blooms

Healthy wildlife

Thriving and balanced communities of plants and animals

Minimum sewage pollution from ships

No introductions of alien species from ships

Natural distribution and occurrence of plants and animals

Minimum air pollution from ships

Zero discharges from offshore platforms

Natural oxygen levels

Radioactivity at pre-Chernobyl level

Viable populations of species

Minimum threats from offshore installations



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Writing Workshop

1.7 Introduction to public policy



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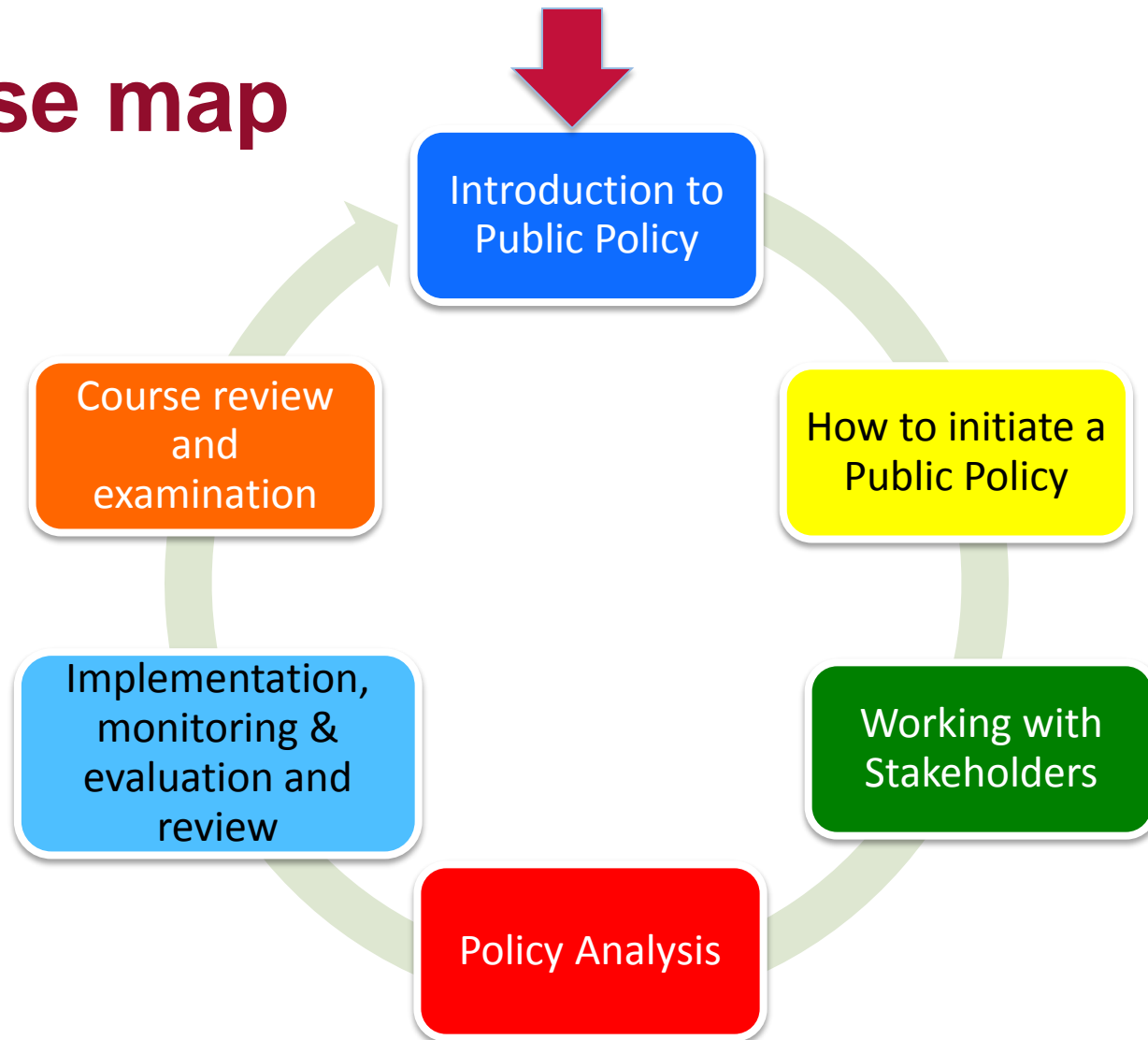
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Why are we here?

- ✓ Develop our knowledge and skills in the public policy process
- ✓ Strengthen our internal capability & embed best practice discipline
- ✓ Ensure that what we do has a direct link back to improving our communities
- ✓ Learn from each other, share ideas and experiences
- ✓ Work as a team

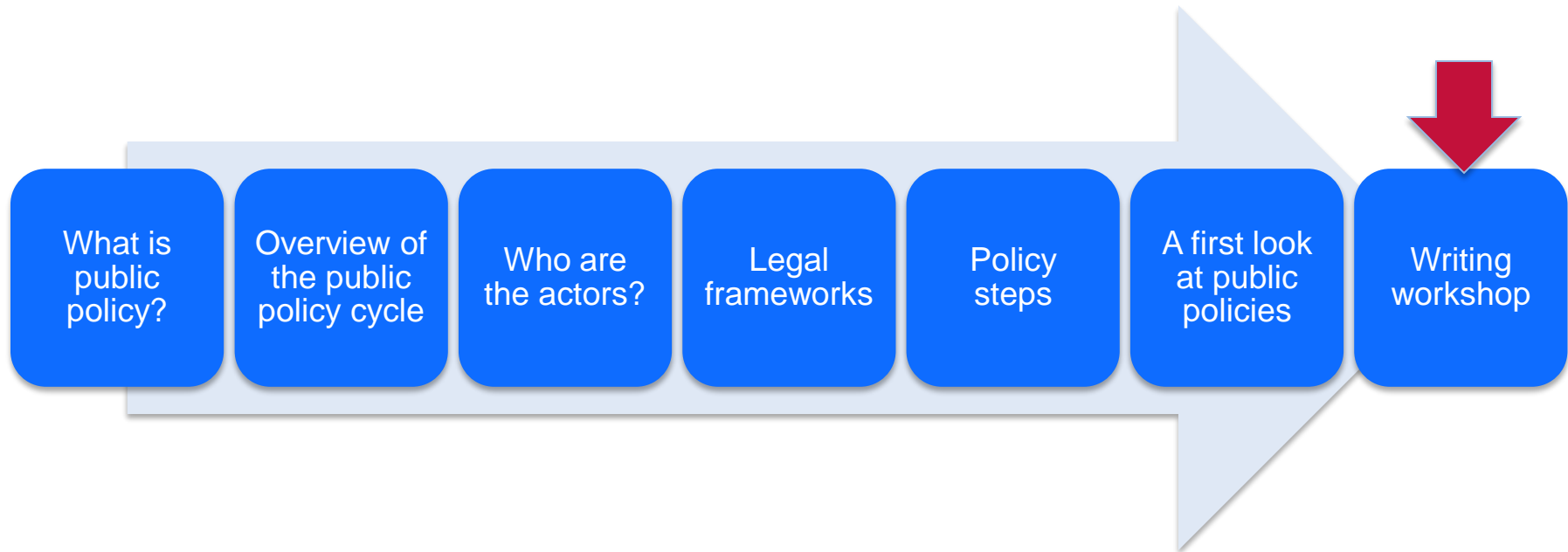


Course map





Part 1 -Introduction to public policy





Workshop objectives

- The objective of this workshop is to refine your writing skills
- This workshop looks at:
 - How to **plan** policy documents
 - How to **write** for policy documents; and
 - Tips for **editing** and **reviewing** draft policy documents



Public policy documents

Documents produced in the public policy process include:

- **Baseline studies:** presents facts of a situation using empirical data
- **Ministerial and Cabinet briefing papers:** provides information and recommends decisions to the minister and cabinet
- **Strategies:** communication, stakeholder engagement etc.
- **Issues and options papers:** information and questions for public consultation and stakeholder feedback
- **Public policy brief:** recommendations to the minister and cabinet about the policy decision
- **Public policy statements:** government statements of its policy decisions





EVERY DOCUMENT MUST

- Be well thought through
- Written clearly and simply, so the audience/**reader**
 - easily understands what you have to say
 - *NEVER* needs to work hard to understand your point
- **Be convincing with clear progressive argument that is supported by evidence**
- **Be logical, objective, well presented and well-written!**

It takes considerable time and effort to prepare a strong document. Plan your time accordingly!





The writing formula

All professional writing has:

- an **introduction** - which lets the audience/**reader** know the topic
- a **body of writing** - containing a logical sequence of information about that topic, such as facts, examples and quotations
- a **conclusion** - on the topic which logically follows from the information in the middle

Each of these elements should flow easily from one to the next

This formula applies to the whole document as well as each paragraph inside the document





Benefits of the writing formula

- Your writing will be structured and disciplined
- Your reader can scan:
 - the first and last paragraphs of each section of your document to find out what it is about; and
 - the first and last sentences of a paragraph to find out what the paragraph is about
- If your reader is interested in the subject and wants more detail, he/she will go on to read the 'middle' information!

This is especially important for Ministerial documents where Ministers do not have much time





BEWARE OF WANDERING

- **‘Wandering’** is when the introduction, conclusion or middle do not logically connect
- **‘Wandering’** contains information that is irrelevant to the subject of the document or the paragraph
- **‘Wandering’** causes confusion and misunderstanding the audience will not appreciate writing that wanders
- **‘Wandering’** shows a lack of thinking through your ideas and that you have not thought about how to present the information

Writing that wanders is writing that FAILS!





An example of ‘wandering’

I really love my cat. She is fun because she is so playful. She likes to play with string and I laugh when I see her do this. When I have no string to give her, I give her little bits of pink cotton from my sewing kit which I keep in the cupboard underneath the stairs. It is a very dark cupboard. My cat doesn't like that cupboard, probably because it is so dark in there. When my cat is tired of playing with string, she curls up in a lovely warm cuddly ball and sleeps in my arms. I love holding her when she does that. I can happily spend the whole day with my cat.

What is the topic of this paragraph?

Find the sentences that have wandered off the point



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Another example of wandering

The meeting was held on 24 November and had many important people in it who were able to make important decisions about this very important issue which will have a very major impact on our future as a country. We are grateful that these people took the time from their distinguished lives to go to the meeting for the good of our country and we thank them for their attendance at such a noteworthy event. Alhamdulillah! At the end of the meeting there was a good agreement about what we must do about this issue and this helps us to see the best future for the country with a clear vision that we can put into action to bring the best into our future

What is the topic of this paragraph?

What else is wrong with it?



Planning your document to avoid wandering

- Planning:
 - separates the task of deciding what to write *from* the task of writing
 - helps you to double-check that what you intend to write is **RELEVANT** to the objective of the document, including the evidence you intend to use
 - helps you to find information and logic gaps





Identify reader and purpose

WHO is your reader? Different readers have different needs:

- **Ministers and the Council of Ministers** need reliable information and logical and persuasive recommendations **to help them make defensible decisions**
- **Stakeholders** need information so they can be **informed about an issue and are able to participate in consultation on the topic**

PURPOSE: WHY you are writing the document

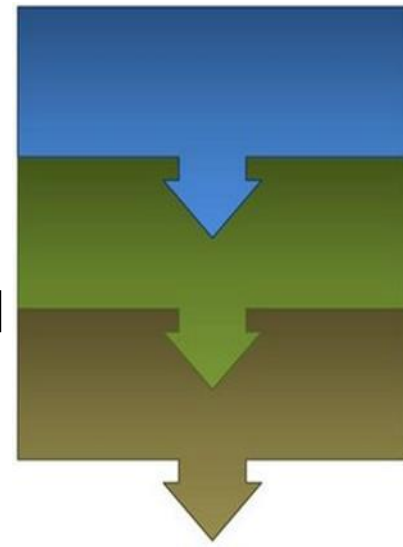
e.g. to recommend a policy to reduce air pollution by 30% over the next 5 years.

Your document should be shaped according to the reader needs and the purpose



Plan your argument

- Public policy documents are written to convince in a logical and objective manner, using clear arguments and supporting evidence
- Plan your argument, identify **WHAT** you are arguing and **WHAT** is your evidence to support it
- **DO NOT OMIT** evidence that does not support your argument
- Identify the ‘gaps’ in your argument and either address this with more research or refine your argument
- Your argument should be progressive i.e. developed step by step to support and make recommendations





Planning headings

- **Policy documents contain many headings**
- **These** allow you to present your information and argument clearly, and:
 - add discipline and structure to your document; and
 - help readers to find the things they are interested in quickly and easily

Plan your headings so you can make a flow to your evidence and argument

Many policy documents (especially briefings) are written in a template with preset headings



Headings

1. MAIN HEADING

1.1 Sub-heading

text text text text text

1.2 Sub-heading

Text text text text text

Sub-heading text text text text text

2. MAIN HEADING

2.1 Sub-heading

Text text text text text.....

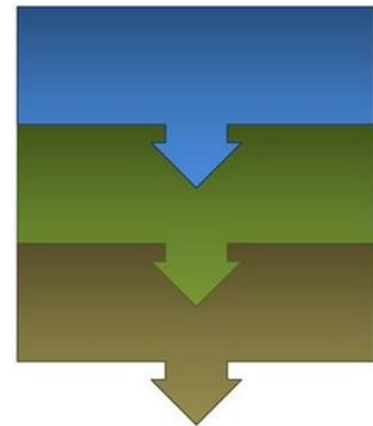


Planning paragraphs

Planning is an easy task when you break your information and argument into paragraphs

one paragraph = one topic

- **Make a dot point for each paragraph under each heading, with the topic of the paragraph and your conclusions**
- **When you have finished your plan, check it to see if it gives the best logical flow of arguments. If it does not, move them around until it does**





Planning exercise

Write a PLAN for a ministerial briefing note recommending changes to a project:

1. *WRITE* about a project you are working on or make one up
2. *WHY* it is important to the activities of the ministry; and
3. *WHAT* changes you would like to make to the project

Your plan should contain headings and up to 8 dot points, one for each paragraph-

- 2 dot points should outline the document's introduction and conclusion;
- 8 dot points should note the topic of each 'middle' paragraph.



How to write a paragraph

- The same writing formula applies:
 - Write an introduction that presents the topic to the reader
 - Write the ‘body’ sentences that provides essential information about that topic of the paragraph
 - Write a concluding sentence about why this information is important to the topic of the paragraph.

When you have finished writing a paragraph, always review it to make sure that it contains a logical flow and does not wander from heading or the topic



Sentences

1 idea = 1 sentence!

- **Sentences MUST ALWAYS** be short.
- If sentences are long and rambling your reader will get lost & your writing has failed
- Each sentence must **contribute something useful** to the topic of your paragraph

Never start writing a sentence unless you know what you want to say in it

You should ALWAYS know how the sentence will finish before you start it!



Exercise

Rewrite this long sentence into short sentences

Remember one idea = one sentence

Long sentences can be difficult to read because the reader is forced to follow the meaning of what the writer is trying to say especially since the reader needs pauses in the text in order to appreciate each of the points that the writer makes and if the reader has to suffer a writer's long sentences he or she will do one of three things which is to lose interest in reading the report altogether, to misunderstand what the writer is trying to say, or to become very annoyed with the writer for making the task of reading so very complicated.



Words!

■ YOUR WORDS MUST

- be selected with thought for the reader's knowledge and vocabulary
- be simple!

■ DO NOT USE

- emotive words
- 'empty' words (such as 'good')
- too many words

■ LET YOUR EVIDENCE TELL THE STORY

- avoid using words to convince- e.g. 'extremely'. Rather, show what is 'extreme' by the evidence



References

- **Cite your references!**

- If you use someone else's words or ideas, you must reference it
- If you do not reference it, you can be accused of plagiarism – which is intellectual theft!

- **The reference must be detailed enough to enable another person to find the same information**

- E.g. 'MoLSA's Report' is not adequate, you should cite the author, date, title and publisher





Grammar, spelling and punctuation

- Bad grammar, spelling and punctuation distracts the reader from his or her reading and looks unprofessional
- Your grammar, spelling and punctuation must be correct
- Take the time to do this!





Edit edit edit!

- All documents should be revised a number of times before it is final
- Check for:
 - Ideas and their logical flow
 - Relevance - have you wandered?
 - Grammar, spelling and punctuation
- How to check:
 - Read it out aloud to yourself
 - Ask others to review your document
 - Put it aside and re-read in a few days





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Exercise

- Write a paragraph from the plan you wrote earlier in this workshop
- Pay attention to the purpose of the paragraph, the use of sentences (1 idea = 1 sentence) and your use of words
- Proof read it thoroughly to make sure it is well written



Key messages

1. Write to match your reader and the purpose of the document
2. Plan your argument, make sure you have the evidence to support it
3. Write to be understood
4. Write to the formula - introduction: body: conclusion. Ensure they are relevant to the topic/purpose and they link and flow together
5. Plan - reader, purpose, headings, paragraphs
6. One topic = one paragraph
7. One idea = one sentence, keep them short
8. Use simple, unemotive words
9. Attend to grammar, spelling and punctuation
10. Refine and proof read!



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Last words

*The obvious is that which is never seen until someone
expresses it simply*

Khalil Gibran



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What's Next?



Trainer's notes

Presentation 1.7. Writing Workshop	
Learning Objectives	Participants refine their document writing skills and learn to effectively plan, write and edit public policy documents.
Timing	6 hours
Training method	Presentation and individual writing exercises
Materials	<ol style="list-style-type: none"> 1. Power point presentation 2. Handouts- <ol style="list-style-type: none"> a. Handout 1 b. Handout 2 c. Handout 3 3. Writing paper

Slides 1 – 5 Introduction and workshop objectives

Today we will focus on writing. Writing is central to the work of a policy officer. You will need to write many documents, briefings, strategies and other such documents. They need to be clear, persuasive and get your point across in the most efficient and effective way possible. So how well you write the documents is critical to how effective you are as a policy officer. So the purpose of this workshop is to show you how to refine your writing skills.

We will just concentrate on writing style, and how to structure documents in the best way so they achieve their purpose. In other workshops we will provide you with templates and guidance about how to prepare specific documents.

Slide 6 – Public policy documents

This is a list of some of the main documents you will write.

- **Baseline studies** present the facts of a situation using empirical data.
- **Ministerial and Cabinet briefing papers** provide information and recommending decisions to be made by the minister and the Council of Ministers.
- **Strategies**- are numerous: communication, stakeholder engagement etc.
- **Issues and options papers**- information and questions for public consultation and stakeholder feedback.
- **Public policy brief**- recommendations to the minister and cabinet about the policy decision.
- **Public policy statements**- the government's statement of its policy decision.



Slide 7 – ALL documents must:

Regardless of what document you are writing, the expectation of your readers will be the same....

It must be easy to read, logical, objective, well presented and well-written.

Your document must also be convincing, with a clear progressive argument that is supported by evidence.

Every document should be so clear and simple that your reader easily understands what you have to say.

Your reader should NEVER need to work hard to understand your point.

This is what we focus on in this workshop. How do we write in a way that makes it easy for your reader to understand the information and arguments that you present?

Good writing is seldom done quickly. It takes time and many drafts to perfect your writing to get it to a standard of professionalism. This means you should allocate a good amount of time to get it right. DO NOT leave your writing task to the last minute, instead, you should allow yourself the time to work on the document, refine it and review it continuously so you get your logic and presentation perfect.

Slide 8 - The writing formula

Every well-written public policy document contains a simple formula that you can find in the document overall, as well as under each heading and in each paragraph. The formula is-

- **an introduction** which alerts the reader to what you intend to tell them about,
- **then the body of the writing** that tells the reader a logical sequence of information about the topic of the paragraph. Here you can use facts, examples and quotations to support your argument.
- which is **concluded at the end with an important point** that links the logic of that information together into offer useful conclusions about the topic of the paragraph and the heading and the overall purpose of the document.

Every time you complete a paragraph, you should check that what you have written is fully relevant to the topic of the paragraph. It should also be relevant to the heading you have written the paragraph under and the purpose of the document. This check will stop you from wandering. (We will look at wandering soon)



Slide 9 – Benefits of the formula

When you follow this formula, your reader can predict where he or she can find information easily. The reader can scan the first sentence of each paragraph to see what your topic is, and the last sentence to see what are the essential conclusions you have reached about that topic. When your writing sparks someone’s attention, they will read the entire paragraph or headed section to learn more about what you have presented.

For busy Ministers, this is an enormous asset and he or she will be able to scan your document quickly and find out what you are saying.

The formula also helps you to avoid wandering by keeping you to a structured argument, in a way that is relevant to the topics, headings and purpose of the document.

Slide 10 - Beware of wandering

Now we will look at the problem that arises when the writer ‘wanders’.

‘**Wandering**’ is when the introduction, conclusion or middle do not logically connect, usually because it contains extra information that is irrelevant to the subject of the document, heading or paragraph.

Writing that wanders is writing that FAILS! This is because you will lose your reader! There will be no flow and reader will not understand what is important in your argument.

Wandering writing shows that the writer has not thought through the information or the way the information should be presented clearly enough to present it clearly enough. It shows you have not done enough work!

Slide 11 - Exercise- An Example of wandering

Distribute handout 1 to the participants

This is a very simple example of wandering to start off.

Ask the participants to read the paragraph a few times and-

- strike out the sentences that wander; and
- write down the topic of the paragraph.

The responses should be as follows-



- The topic of the paragraph is about why the writer loves the cat.
- The information about the pink cotton and cupboards are not relevant to this topic. Therefore the edit should look like this-

I really love my cat. She is fun because she is so playful. She likes to play with string and I laugh when I see her do this. ~~When I have no string to give her, I give her little bits of pink cotton from my sewing kit which I keep in the cupboard underneath the stairs. It is a very dark cupboard. My cat doesn't like that cupboard, probably because it is so dark in there.~~ When my cat is tired of playing with string, she curls up in a lovely warm cuddly ball and sleeps in my arms. I love holding her when she does that. I can happily spend the whole day with my cat.

The interesting thing about this paragraph is that the introduction and conclusion are both ok, it is just some of the information in the middle that wanders.

Slide 12 – Another example of wandering

This example is a much more complex example of wandering. This is the sort of example that we find in badly-written reports every day.

Distribute handout 2 to the participants and ask them to read the paragraph a few times and invite them to name its topic. This exercise should draw the participants into a discussion about the following possible options for the topic -

- **That there was a decisive meeting?** If this is the topic, the paragraph has failed to do its job because it does not tell us the most important things about it- who attended, what they discussed, what they concluded that was of significance.
- **That important people attended a meeting?** If this is the topic, the paragraph fails to do its job because it does not tell us who they were, where they come from, why they were important and what their importance means to the meeting.
- **That there was a significant agreement reached?** If this is the topic, the paragraph fails to tell us enough of the details of the agreement and its impact for us to actually appreciate that the meeting's conclusions were significant for the nation.

It is therefore easy to conclude that this paragraph has no topic!

Nor does it have any useful conclusions or substantive information in the middle. That is, the writer has not worked out the argument.

The paragraph therefore achieves nothing.... it is an '**empty paragraph**' because it contains no useful information and just wastes the time of the reader.



To write something meaningful out of this paragraph, we could possibly say-

On 24 November 2013, xxx, xxx, xxx and xxx met to discuss and resolve the issue of xxxx. This meeting concluded with a resolution to do XXX, XXX and XXX . These resolutions will carry the issue forward by achieving XXX, XXX and XXX.

Now ask the participants to find what else is wrong with the paragraph..

- **Use of words-** 'important', 'very major', 'good' and 'best' are words that are both overused and meaningless in the paragraph. What does 'important' and 'good' mean? It would be better to state the reasons why it is considered 'good'- eg outline the conclusions of the meeting and its impact so the reader can understand what was so important about it.
- **Lack of specificity-** For example the 'issue' was never specified although it probably should be the topic of the paragraph. The date of the meeting- what year? Is this important information which should be filled in properly with details about year and people in attendance? Or should this information be left out altogether?
- **The expression is loose.** For example 'At the end of the meeting there was a good agreement about what we must do about this issue and this helps us to see the best future for the country with a clear vision that we can put into action to bring the best into our future' wanders around futures and visions without any real conclusion.

Slide 13 - Planning your document

The best way to avoid wandering is to make a plan about what you want to write and the order you want to write it in before you start writing it.

Planning separates the task of thinking and deciding what to write from the actual task of writing.

If the plan doesn't look right, you can easily move paragraphs around to get a better flow and logic to your argument.

You can also check if your plan keeps you relevant to the purpose of the document and the topic of the paragraph before you spend time writing it.

By making a plan first, you can look at what you are presenting, the argument, the logic and any gaps there that you need to fill with additional research. It will show you where you need to do more research to collect more evidence, or where your argument is inadequate and if you need to rethink it.

We will now go through some steps about how to plan a document.



Slide 14 - Identify your reader and purpose

The first thing you need to do is to understand **WHO** your readers are and **WHY** you are writing the document for them. This will shape your document!

The reader will show you what sort of information and type of document is needed. For example, a document that proposes a decision to be made by the Minister or Council of Ministers will look very different from an issues an options paper to go to stakeholders for their feedback.

The purpose is what you want the document to do- eg 'to recommend to the Minister to adopt a policy to reduce air pollution by 30% over the next 5 years', or 'to seek stakeholder feedback about proposed reforms to air pollution laws in Iraq'.

Planning for the purpose and the reader set the overall direction of your document.

Slide 15– Plan your argument

This slide is very important. Once you have identified your reader and the purpose of the document you must plan your argument and evidence.

Public policy documents are often written to convince the reader to take action (eg the minister to make a decision) and so they need to be able to convince the to do so. The arguments must therefore be very clear, logical and objective. The argument must be supported by convincing evidence.

So when you plan your document, you should think through what it is you want to argue and what evidence you have to support that argument. The whole document is focused on this.

If you want to argue something but the evidence does not support it, **THIS DOES NOT MEAN THAT YOU IGNORE THAT EVIDENCE**. It might mean that you have not thought through your argument enough and have a faulty conclusion. So you will need to revise your argument to make sure that it is logical and strong. You should not exclude important contradictory evidence from your paper- the reader still needs to know that this evidence exists. For example, the Minister needs to know about contradictory evidence because he or she is likely to be challenged with it by stakeholders or other politicians.

Your argument needs to be progressive throughout the document. That is, it should develop step-by-step lead to a convincing conclusion or recommendation. This will make your document more convincing.



Slide 16 – Planning headings

Headings are always used in public policy documents. In fact, many policy documents already have preset headers. This is especially the case with briefing notes for the Minister and Council of Ministers. For documents such as baseline studies and consultative documents, every document will be so different that it is not possible to have many standard headers and you will need to develop them yourselves.

Headers act as markers that help the reader to find things easily as well as help the writer to sort and present information clearly. So by following the headings, you can make your writing structured and disciplined- no wandering!

When you plan your headers, you should try to make the information flow logically and you should develop them with your reader and document purpose in mind.

Slide 17 - Headings

This is how you should set out your headings. They are divided into main headings and then two levels of sub-headings for smaller issues under the main heading. It is possible to do even smaller headings but this could make your document too confusing to read, so try to keep to a maximum of three heading levels.

When you make your headings, you can see how the document is already taking shape.

Slide 18 - Planning paragraphs

Once you have worked out your headings, you can plan the paragraphs that will go under each heading.

The best way to think about a paragraph is that **one paragraph is one topic**. Sometimes you will have a lot of information about something that will take a few paragraphs to present, such as data on the pollution of the waterways, or the nature of violence against women. You should think about this information and sort it into topics that make sense to the purpose of the document. These topics can then become your paragraphs.

To make a plan, note the topic of your paragraph and briefly what you want to say about that topic.

Once you have written them down, you can check to see if the logic of the plan flows. If they don't, you can move your paragraphs around until it does.



Slide 19– Planning exercise (40 minutes)

Now it is your turn to practice writing a plan. This exercise has been designed to help you to focus on the plan and how you will present your writing. The purpose of your document is therefore about your work, which is simple and you do not need to do any research. The reader of your document is your minister.

Ask the participants to write a plan for a briefing note to their minister about a project they are currently working on, showing why it is important to the activities of the ministry and what they would like to do next in the project. The note should have headings and around 8 dot points, one for each paragraph, with one paragraph being the introduction and one being the conclusion.

Give the participants up to 20 minutes to do this. **Ask them to focus on the flow of their argument and the purpose of the briefing.**

After 20 minutes, ask the participants to swap their plans with the person sitting next to them. They should then review each other's plans. The participants should assess the plans according to **argument flow and relevance to the purpose and the reader**. It is likely that the participants will need to explain more about the contents of the plans to each other so allow around 10 minutes of discussion.

After around 10 minutes of discussion, call the participants back together into the workshop and ask them what they learned from this exercise-

- How difficult or easy was it to focus on the reader?
- How difficult or easy was it to focus on the purpose of the briefing, the argument and the topics of the paragraphs?
- Did they feel that they found a good flow of argument that links the paragraphs together?
- Any other observations?

Now distribute the handout 'A plan could contain the following'

This gives the participants an idea about how a plan could be shaped into a convincing argument. It would take more than the 20 minutes given in the exercise for the participants to arrive at a document plan like this. This plan gives the participants an idea about what to aim for and what sort of things that planning can achieve.

OF NOTE in this example-

- The introduction notes the **PURPOSE**, which is focused on the argument and the reader.
- The argument is progressive: first describing the project and its role in the ministry's work and its shortcomings. This sets up the background for the minister to understand the issues involved. Then the paper describes the proposal to change the project, including how it will address the



problems above noted in the paper. With information about the costs and benefits of the changes the Minister can now understand what the consequences are of the decision. Finally the plan shows HOW the changes could be put in place, giving the minister information about what must be done to implement the decision.

- Already you can see how the argument is shaping up to make it convincing.
- the paper logically falls into dot points under each paragraph. This is a useful way to present information in a clear and concise manner, which the minister can read easily.
- The conclusion is a very clear and concise recommendation to the minister for him or her to make a decision.

Slide 20 – How to write a paragraph

Now we are going to look at paragraphs. How do we write them?

Exactly the same writing formula applies- there should be an introduction that presents the topic to the reader, a body of the paragraph that provides essential information about that topic and then a concluding sentence about why this information is important to the topic.

When you have written the paragraph, you should always review it to make sure that it does the following-

- Contributes to the purpose of the document;
- Is written with the reader in mind;
- Contributes to the heading it is under;
- Is relevant to the topic; AND
- Contains a logical flow within it.

If it does not do these things, you should think through how you can improve the paragraph so it can achieve it! This may take a few rewrites to get it right.

Slide 21 - Sentences

You cannot write a good paragraph until you know how to write sentences.

There is a simple rule about sentences, which is that **1 sentence must have only one idea in it- no more and no less!**



Sentences must be short, otherwise the reader will get lost in long complicated sentences and lose the point you are trying to make. If you lose your reader, your writing has failed!

Also each sentence should contribute something useful to the topic of the paragraph. If your sentence is not useful or relevant, you are probably wandering. Or perhaps you should add that idea into another part of the document where it will be relevant.

One final point that you must remember is that **you should NEVER start to write a sentence if you do not know how you will end it!** Writing without knowing what you are writing about will just about always cause you to write long, wandering empty sentences. So get your thoughts together first before you start writing.

Slide 22 – Exercise (40 mins)

This exercise has one very long sentence. It has a few ideas in it that can be broken down into shorter sentences of one idea each.

Distribute handout 3 and ask the participants to rewrite the paragraph into shorter sentences. Give them 5 minutes to do this.

They can edit it by changing some words and inserting full stops to resemble something like this-

Long sentences can be difficult to read. This is because the reader is forced to follow the meaning of what the writer is trying to say especially since the reader when he or she actually needs pauses in the text in order to appreciate each of the points that the writer makes. and if the reader has to suffer a writer's long sentences he or she will do one of three things. These are: which is to lose interest in reading the report altogether, to misunderstand what the writer is trying to say, or to become very annoyed with the writer for making the task of reading so very complicated.

This edited paragraph is still not very interesting. So now ask the participants to use the same information but rewrite it in a more interesting way. Encourage them to move the points around, change emphasis on different ideas by changing the way they are expressed and their order etc. Give them 15 minutes to see if they can come up with a better rewrite.

Perhaps they can-

- Create a more powerful introduction by presenting the first sentence as a question? Eg What happens if a sentence is too long? Then use the information to write a more engaging paragraph by reordering the information with the last sentence next regarding the three consequences, and then a conclusion that the reader needs pauses.



- Focusing on a topic of what a reader needs and how you can structure your sentences to meet those needs...
- There are numerous other ways this information can be written- the participants should discuss what they have done with the paragraph.

This is what is FUN and creative about writing! You can use information in so many different ways to maximize the point you wish to make.

Slide 23– Words!

The words you select for your document must be carefully chosen.

You must choose your words according to the reader’s knowledge and vocabulary. This means that you will sometimes need to ‘translate’ technical information into words and expressions that can be understood by non-technical people easily. For example, if you are writing an issues and options consultation paper about road transport issues for wide readership, you should use plain language that everyone understands. If, however, you are writing the issues and options paper only for the transport industry, you can use the same technical language that they use. If you write for both the broader community and the industry, it is best to use non-technical language as much as possible and where you use technical language, you should define it in a separate section.

Even if you use technical words, your words should always be as simple as possible and with a clear message. Simplicity shows that you have thought through the issues enough to be able to present the idea clearly.

What to avoid-

- Emotive language – these are not used in technical or professional reports
- Empty words that have no real meaning (eg ‘good’)
- Too many words- less is always best!

Finally, policy documents are OBJECTIVE. This means that the argument and the evidence stands for itself. You should NOT use words alone to stress a point- for example do not say ‘this is extremely bad’ as you are just making a statement that proves nothing. Instead, you should note the evidence, build up the argument that there is a problem and make strong factual conclusions on the basis of the evidence.

Slide 24 – References

References are the sources of your information, whether it is data from a study, a quote from a book you have read, or a quote from a person who was interviewed. These sources of information are vital to



your documents and show that you have used information from elsewhere to put it together. **Your document is much stronger when you include reliable and relevant information from diverse sources.**

But when you use someone else's words or ideas, you must reference it, **even if it is from the internet.**

If you do not reference other people's words or ideas, you will be accused of intellectual theft! This is called 'plagiarism' and it is to be taken very seriously and harms your reputation as a professional.

Another reason why references are important is because information can be of differing qualities. We are, perhaps, more likely to accept data that comes from the government's statistical office over data that we have randomly found on the internet. If we refer to these references, the reader can decide how much weight he or she can place on your conclusions.

All references should be detailed enough to enable another person to find the same location. A reference should include the name of the author, the date it was produced, the title of the book, report, article etc, and the publisher.

Slide25 – Grammar, spelling and punctuation

Grammar, spelling and punctuation must be perfect.

Bad grammar, spelling or punctuation looks unprofessional and distracts the reader.

Take the time to fix it up.

Slide 26 - Edit edit edit!

No document is perfect from the beginning. It requires many revisions to get it to perfection. You should revise your document at least a few times to 'polish' it.

A polished document is one that has well presented ideas and information that flows logically. It is also a document that is relevant to the reader and the purpose. So you need to check that you have not wandered. Finally, the grammar, punctuation and spelling must be perfect.

To edit your document, you can do the following-

1. Read the document out aloud to yourself. This is a good way to find clumsy expression
2. Get other people to read and review your draft. They will always find things that you have overlooked.



3. Put your draft document aside for a few days and then go back to it with a 'fresh eye'.
You will often find problems that need editing that you did not notice earlier.

Slide 27 – Exercise (50 minutes)

We are nearly at the end of the workshop. It is time to practice writing sentences into a paragraph.

Ask the participants to go back to the plan they wrote earlier in the day. They should pick one paragraph point and write it out into a full paragraph. They should-

- Pay attention to the purpose of the paragraph, the use of sentences (1 idea = 1 sentence) and your use of words.
- Proof read it thoroughly to make sure it is well written

They may need to redraft the paragraph a few times to get it right, so give them 20 minutes to do the exercise.

Once they have completed their paragraph, they should swap their paragraphs with the person sitting next to them.

The participants should then be asked to write down 3 things that are strong about the paragraph they are reviewing.

Then ask each of the participants to tell the workshop what they found in their colleague's paragraph that was strong and why.

Slide 28 – Key messages

This slide shows the key messages from this workshop.

1. Write to match your reader and the purpose of the document
2. Plan your argument, make sure you have evidence to support it
3. Write to be understood
4. Write to the formula- introduction: body: conclusion. Ensure they are relevant to the topic/purpose and they link and flow together
5. Plan- reader, purpose, headings, paragraphs
6. One topic = one paragraph



7. One idea = one sentence, keep them short
8. Use simple, unemotive words
9. Attend to grammar, spelling and punctuation
10. Refine and proof read!

Slide 29 - Last words

This quotation from Khalil Gibran is worth bearing in mind. It sums up what this workshop in just one sentence!

Slide 30 & 31 Workshop summary

- Questions or comments
- What's next: linking today's work to the next module/training
- Reminder of any post workshop tasks
- Thank participants for their input



1.7 HANDOUT 1

I really love my cat. She is fun because she is so playful. She likes to play with string and I laugh when I see her do this. When I have no string to give her, I give her little bits of pink cotton from my sewing kit which I keep in the cupboard underneath the stairs. It is a very dark cupboard. My cat doesn't like that cupboard, probably because it is so dark in there. When my cat is tired of playing with string, she curls up in a lovely warm cuddly ball and sleeps in my arms. I love holding her when she does that. I can happily spend the whole day with my cat.

What is the topic of this paragraph?

Find the sentences that have wandered off the point



1.7 HANDOUT 2

The meeting was held on 24 November and had many important people in it who were able to make important decisions about this very important issue which will have a very major impact on our future as a country. We are grateful that these people took the time from their distinguished lives to go to the meeting for the good of our country and we thank them for their attendance at such a noteworthy event. Alhamdulillah! At the end of the meeting there was a good agreement about what we must do about this issue and this helps us to see the best future for the country with a clear vision that we can put into action to bring the best into our future

What is the topic of this paragraph?

What else is wrong with it?

1.7 HANDOUT 3

The plan could contain the following-

1. Introduction

- The purpose of this paper is to request the Minister's approval to change XXX project.

2. Background- XXX Project

- Introduce and describe the main features of the XXX project.
- Describe the impact of the project on the ministry's work
- Describe shortcomings of the project establishing the need for change
 - Shortcoming 1
 - Shortcoming 2

3. Proposal to change XXX project

- Describe the types of changes that could be made to improve the project and overcome the shortcomings
 - Change 1
 - Change 2
- Impact of the changes- costs and benefits- on the work of the ministry
 - Costs- eg changes to staffing, additional \$ required
 - Benefits- eg what the changes will deliver to the Ministry, stakeholders etc
- How the changes could be implemented
 - Step 1
 - Step 2

3. Recommendation

- That the Minister approves changes to the project as follows- XXXXXX



1.7 HANDOUT 4

Long sentences can be difficult to read because the reader is forced to follow the meaning of what the writer is trying to say especially since the reader needs pauses in the text in order to appreciate each of the points that the writer makes and if the reader has to suffer a writer's long sentences he or she will do one of three things which is to lose interest in reading the report altogether, to misunderstand what the writer is trying to say, or to become very annoyed with the writer for making the task of reading so very complicated.

Rewrite this long sentence into short sentences

Remember one idea = one sentence



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